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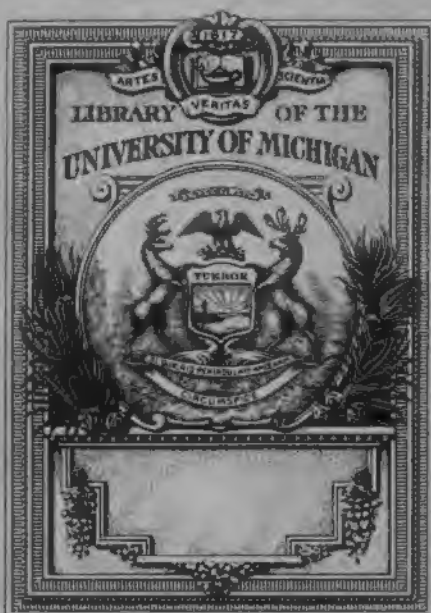
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THE GIFT OF
Michigan Secretary
of State





PUBLIC ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN

65-694

PASSED AT THE
REGULAR SESSION OF 1897
WITH AN APPENDIX CONTAINING JOINT AND CONCURRENT
RESOLUTIONS, AND THE STATE TREASURER'S REPORT
FOR THE YEAR ENDING JUNE 30, 1897



BY AUTHORITY

LANSING
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1897

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NOTE—The words and sentences inclosed in brackets in the following acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copy as approved by the Governor. It should, however, be borne in mind that under a decision of the Supreme Court, 57 Mich., 128, "Bracketed words, which were not in the law as approved by the Governor, have no proper place in the statute."

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PUBLIC ACTS

OF

THE LEGISLATURE

1897

PUBLIC ACTS, 1897.

[No. 1.]

AN ACT to provide for the incorporation of Grand and Subordinate Courts of the Foresters of America of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* the Grand and Subordinate Courts of the Foresters of America of the State of Michigan may be incorporated in pursuance of the provisions of this act. Foresters of America may incorporate.

SEC. 2. Any seven or more persons, resident of this State, being members of the Grand Court of the "Foresters of America," of the State of Michigan, desirous of being incorporated, may make and execute articles of association, under their hands and seals, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds, and shall set forth: Number who may incorporate.

First, The names of persons associating in the first place and their place of residence; Names of persons, etc.

Second, The corporate name by which such association shall be known in law, and the place of its business office; Corporate name of association.

Third, The object and purpose of such association shall be to promote the general welfare of the fraternity, known as the "Foresters of America," and the period for which it is incorporated, not exceeding thirty years. Purpose and period of existence.

SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said Grand Court, shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession and shall be persons in law capable of suing and being sued and they and their successors may have a common seal, which may be changed and altered at their pleasure and a copy of said articles of association, under seal of the State, duly certified to according to law, shall be received as *prima facie* evidence in all courts of the State of the existence and due incorporation of such Grand Court. Copy of articles to be filed with Secretary of State.
Copy of articles prima facie evidence of existence of corporation.

PUBLIC ACTS, 1897.

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SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said Grand Court, shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession and shall be persons in law capable of suing and being sued and they and their successors may have a common seal, which may be changed and altered at their pleasure and a copy of said articles of association, under seal of the State, duly certified to according to law, shall be received as *prima facie* evidence in all courts of the State of the existence and due incorporation of such Grand Court. Copy of articles to be filed with Secretary of State.
Copy of articles prima facie evidence of existence of corporation.

Powers and duties of corporation.

SEC. 4. Such Grand Court when incorporated pursuant to the provisions of this act may take and hold personal and real property, so far as may be necessary for the proper purposes of the organization, not exceeding fifty thousand dollars in amount and convey, dispose of, and deal with the same as it may from time to time determine by a majority vote of members present and voting thereon.

Grand Court shall have power to institute subordinate courts.

SEC. 5. Such Grand Court when properly incorporated shall have power to institute and charter subordinate courts within this State and from time to time make, alter or rescind such constitution, general laws or by-laws as the Grand Court shall judge proper for the government of such subordinate courts, not repugnant to the laws of the State: *Provided*,

Subordinate courts subject to Grand Court.

That the existing subordinate courts heretofore duly chartered by the Grand Court shall be subject to the Grand Court under this act, as heretofore, in the same manner and to the same extent: *Provided further*, That in case the incorporators shall by death, resignation or for other cause under the rules of the Grand Court, become ineligible to act in such capacity, their successors may from time to time be elected by the Grand Court.

In case incorporators become ineligible.

Number who may incorporate.

SEC. 6. Any seven or more persons, residents of this State, being members of a subordinate Court of the "Foresters of America" having been duly chartered by the Grand Court, desirous to become incorporated, may make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book kept for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors shall be a body politic and corporate, by the name expressed in such articles of association and by that name they and their successors, shall be persons in law capable to purchase, hold, enjoy, grant, sell, give, lease, and demise real and personal estate; of suing and being sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such subordinate Courts: *Provided*, Said corporation shall be limited to the powers and provisions of section four of this act, regarding real and personal estate, and the proceeds thereof under the laws of the Grand Court and may elect from its members such officers, under such name and style as shall be in accordance with its constitution.

Copy of articles to be filed with county clerk.

Copy of articles prima facie evidence of existence of corporation.

Powers and duties of corporation.

Such corporation subject to compiled laws.

SEC. 7. All corporations formed under this act shall be subject to the provisions of chapter one hundred fifty of the Compiled Laws of this State, so far as the same shall be applicable to corporations formed under this act; and the legislature may alter or amend this act at any time.

SEC. 8. The location of the business office of the Grand Court "Foresters of America" may be changed at any time upon filing a written notice of such change in the office of the Secretary of State within twenty days from the time of the change of such location.

Business office
of Grand
Court may be
changed.

SEC. 9. Any corporation formed under this act may erect and own such suitable edifice, building and hall as to such corporation shall seem proper with convenient rooms for the meeting of the Courts of the "Foresters of America" and for that purpose may create a capital stock of not more than twenty-five thousand dollars to be divided into shares of not more than twenty-five dollars each.

To erect build-
ings for For-
esters of
America.

Create capital
stock.

This act is ordered to take immediate effect.

Approved January 21, 1897.

[No. 2.]

AN ACT to amend act number one hundred eight, session laws of eighteen hundred ninety-five, entitled "An act to prevent the spreading of bush, vine and fruit tree pests, such as canker worm and other insects, and fungus and contagious diseases, and to provide for their extirpation."

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred eight of the public acts of eighteen hundred ninety-five, entitled "An act to prevent the spreading of bush, vine and fruit tree pests, such as canker worm and other insects, and fungus and contagious diseases, and to provide for their extirpation," be and the same is hereby amended so as to read as follows:

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of every owner, possessor, or occupier of an orchard, nursery or vineyard, or of land where fruit trees or vines are grown, within this State, to spray with a poisonous solution or disinfectant and of sufficient strength to destroy such injurious insects or contagious disease, all fruit trees or vines grown on such lands which may be infested with any injurious insect or worms, or infected with any contagious disease known to be injurious to fruit or fruit trees or vines: *Provided*, That if such trees and vines are infested with the San Jose or other scale insects, such trees or vines shall be either effectually sprayed or destroyed: *Provided, also*, That no such spraying shall be done while said fruit trees or vines are in blossom, except in case of canker worm.

Spraying with
disinfectants
and strength
of same.

Where contagious diseases or insects exist, township board to appoint commissioners.

Proviso.

Duty of commissioners to file acceptance.

Duty of commissioners to examine.

Owner, how notified.

Notice and order to be signed.

Commissioners' duty in case of refusal or neglect of owner.

SEC. 2. In any township in this State where such injurious insects or contagious diseases are known to exist or in which there is good reason to believe they exist, or danger may be justly apprehended of their introduction, it shall be the duty of the township board, upon the petition of at least ten freeholders of such township, to appoint forthwith three competent freeholders of said township as commissioners, who shall hold office during the pleasure of the board, and such order of appointment and of revocation shall be entered at large upon the township record: *Provided*, That in townships having a board of yellows commissioners, such commissioners shall be *ex officio* commissioners under this act.

SEC. 3. It shall be the duty of said commissioners within ten days after appointment as aforesaid, to file their acceptance of the same with the clerk of said township, and said clerk shall be *ex officio* clerk of said board of commissioners, and he shall keep a correct record of the proceedings of said board in a book to be provided for that purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners, or either of them, which shall be a part of the records of said townships.

SEC. 4. It shall be the duty of said commissioners or any one of them, upon, or without complaint, whenever it comes to their notice, that any orchard, fruit trees or vines are infested with canker worm or other injurious insects or contagious disease, within their townships, to proceed without delay to examine such orchards or vineyards, supposed to be infested, and if such injurious insects or contagious diseases are found to exist, the owner shall be notified personally, or by a written notice left at his usual place of residence, or if the owner be a non-resident, by leaving the notice with the person in charge of the trees or vines, or the occupant of the lands upon which such trees or vines shall be growing. The notice shall contain a simple statement of the facts as found to exist with an order to effectually destroy such injurious insects or worms or contagious disease by spraying such trees or vines with a poisonous solution, or in case of contagious disease to effectually disinfect said diseased trees or vines, or in case of San Jose or other scale insect to effectually spray or destroy such infested trees, within such time from the date of the service of the notice as such commissioners shall designate, said notice and order to be signed by the full board of commissioners.

SEC. 5. Whenever any person shall refuse or neglect to comply with the order to spray or disinfect the orchards or vineyards designated by the commissioners, as aforesaid, or in case of San Jose or other scale insects to effectually spray or destroy such infested trees, it shall become the duty of the commissioners to cause said trees or vines to be effectually sprayed with a poisonous solution or disinfected as occasion should require, or in case of San Jose or other scale insect to effectually spray or destroy such infested trees forthwith, employing all necessary aid for that purpose, and the expenses

for the same shall be a charge against the township, and for said spraying, disinfecting or destroying, the said commissioners, their agents or workmen; shall have the right and power to enter upon any and all premises within their township.

SEC. 6. If any owner, township officer or commissioner, neglects or refuses to comply with the requirements of this law as set forth in the preceding sections and within the time therein specified, such person shall be deemed guilty of a misdemeanor, and punished by fine not exceeding fifty dollars or imprisoned in the county jail not exceeding sixty days, or by both such fine and imprisonment in the discretion of the court, and any justice of the peace of the township where such trees or vines may be growing shall have jurisdiction thereof.

Penalty for failure to comply.

SEC. 7. The several commissioners shall be allowed for service under this act, two dollars for each full day, and one dollar for each half day, and their other charges and disbursements hereunder to be audited as well as any other charges and disbursements under this act by the township board, all of which costs, charges, expense and disbursements shall be recovered by the township from the owner of said infected or infested orchards or vineyards, or from the owner of the premises on which said trees or vines may be growing, in an action of assumpsit. The provisions of this act shall not apply to the contagious disease known as yellows.

Compensation of commissioners, how audited and paid.

This act is ordered to take immediate effect.

Approved January 27, 1897.

[No. 3.]

AN ACT making an appropriation for the current and running expenses of the Central Michigan Normal School until the general appropriation for that purpose shall be available.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated for the Central Michigan Normal School, out of any money in the State treasury not otherwise appropriated, the sum of three thousand dollars for the purpose mentioned in section two of this act.

Appropriation, amount.

SEC. 2. Said money hereby appropriated shall be immediately available, and shall be used for the purpose of paying the current and running expenses of said school from January first, eighteen hundred and ninety-seven, until the regular and ordinary appropriation for that purpose shall be made available, and the sum hereby appropriated shall be deducted from the gross amount of such regular and ordinary appropriation as an advance upon the same when such regular and ordinary

Purposes.

Amount to be deducted from regular appropriation.

appropriation for the current expenses at said school for the year eighteen hundred and ninety-seven shall have become available.

This act is ordered to take immediate effect.

Approved January 27, 1897.

[No. 4.]

AN ACT to amend section one of act number ninety-seven of the session laws of one thousand eight hundred and eighty-nine, entitled, "An act to provide for an additional circuit judge for the seventeenth judicial circuit, and to define the powers and duties of the judges of said circuit, and to provide for the manner of conducting the business of said court," as amended by act number eighty-two of the session laws of one thousand, eight hundred and ninety-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number ninety-seven of the session laws of one thousand, eight hundred and eighty-nine, entitled, "An act to provide for an additional circuit judge for the seventeenth judicial circuit, and to define the powers and duties, and to provide for the manner of conducting the business of said court," as amended by act number eighty-two of the session laws of one thousand, eight hundred and ninety-one, be amended so as to read as follows:

Additional judge in seventeenth circuit.

Judges to have co-ordinate powers.

To preside alternate years.

SECTION 1. That after the first day of June, eighteen hundred and eighty-nine, there shall be one additional judge for the seventeenth judicial circuit, in which circuit the county of Kent is or may be situated. The two circuit judges shall have equal and co-ordinate powers and duties. One of such judges shall constitute a quorum for the transaction of business. The person holding the office of circuit judge at the time this act takes effect, or his successor in office, shall act as presiding judge until the first day of January next succeeding the appointment of a judge under the provisions of this act, and after that, each of said judges shall act as presiding judge every alternate year; and the presiding judge shall have power to apportion the business to be transacted as he may from time to time order and direct, and from day to day assign to and apportion the business of the court between such judges.

This act is ordered to take immediate effect.

Approved January 28, 1897.

[No. 5.]

AN ACT to amend section one of act number one hundred and twenty-three of the public acts of one thousand eight hundred and eighty-five, entitled, "An act to protect defendants in actions when they have given notice of set-off."

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred and twenty-three of the public acts of one thousand eight hundred and eighty-five, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. That in any action hereafter commenced in this State when the defendant has given notice of set-off or recoupment, the plaintiff shall not be allowed to discontinue his suit or submit to a non-suit without the consent of the defendant. When notice of set-off is given, plaintiff shall not discontinue suit, etc.

Approved February 5, 1897.

[No. 6.]

AN ACT to amend section one of act number seventy-three of the public acts of one thousand eight hundred and eighty-nine, entitled "An act to amend section one of an act entitled 'An act to authorize proceedings by garnishment in the circuit courts and the district court of the upper peninsula,' approved March sixteenth, one thousand eight hundred and sixty-one, as the same has been amended by the several acts amendatory thereof, the same being section eight thousand and fifty-eight of Howell's annotated statutes of the State of Michigan," and to repeal section thirty-three of chapter two hundred and seventy-seven being compiler's section eight thousand and eighty-nine of Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number seventy-three of the public acts of one thousand eight hundred and eighty-nine entitled "An act to amend section one of an act entitled, 'An act to authorize proceedings by garnishment in the circuit courts and the district court of the upper peninsula,' approved March sixteenth, one thousand eight hundred and sixty-one, as the same has been amended by the several acts amendatory thereof, the same being section eight thousand and fifty-eight of Howell's annotated statutes of the State of Michigan," be and the same is hereby amended so as to read as follows: Section amended.

appropriation for the current expenses at said school for the year eighteen hundred and ninety-seven shall have become available.

This act is ordered to take immediate effect.

Approved January 27, 1897.

[No. 4.]

AN ACT to amend section one of act number ninety-seven of the session laws of one thousand eight hundred and eighty-nine, entitled, "An act to provide for an additional circuit judge for the seventeenth judicial circuit, and to define the powers and duties of the judges of said circuit, and to provide for the manner of conducting the business of said court," as amended by act number eighty-two of the session laws of one thousand, eight hundred and ninety-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number ninety-seven of the session laws of one thousand, eight hundred and eighty-nine, entitled, "An act to provide for an additional circuit judge for the seventeenth judicial circuit, and to define the powers and duties, and to provide for the manner of conducting the business of said court," as amended by act number eighty-two of the session laws of one thousand, eight hundred and ninety-one, be amended so as to read as follows:

Additional judge in seventeenth circuit.

Judges to have co-ordinate powers.

To preside alternate years.

SECTION 1. That after the first day of June, eighteen hundred and eighty-nine, there shall be one additional judge for the seventeenth judicial circuit, in which circuit the county of Kent is or may be situated. The two circuit judges shall have equal and co-ordinate powers and duties. One of such judges shall constitute a quorum for the transaction of business. The person holding the office of circuit judge at the time this act takes effect, or his successor in office, shall act as presiding judge until the first day of January next succeeding the appointment of a judge under the provisions of this act, and after that, each of said judges shall act as presiding judge every alternate year; and the presiding judge shall have power to apportion the business to be transacted as he may from time to time order and direct, and from day to day assign to and apportion the business of the court between such judges.

This act is ordered to take immediate effect.

Approved January 28, 1897.

[No. 5.]

AN ACT to amend section one of act number one hundred and twenty-three of the public acts of one thousand eight hundred and eighty-five, entitled, "An act to protect defendants in actions when they have given notice of set-off."

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred and twenty-three of the public acts of one thousand eight hundred and eighty-five, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. That in any action hereafter commenced in this State when the defendant has given notice of set-off or recoupment, the plaintiff shall not be allowed to discontinue his suit or submit to a non-suit without the consent of the defendant. When notice of set-off is given, plaintiff shall not discontinue suit, etc.

Approved February 5, 1897.

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AN ACT to amend section one of act number seventy-three of the public acts of one thousand eight hundred and eighty-nine, entitled "An act to amend section one of an act entitled 'An act to authorize proceedings by garnishment in the circuit courts and the district court of the upper peninsula,' approved March sixteenth, one thousand eight hundred and sixty-one, as the same has been amended by the several acts amendatory thereof, the same being section eight thousand and fifty-eight of Howell's annotated statutes of the State of Michigan," and to repeal section thirty-three of chapter two hundred and seventy-seven being compiler's section eight thousand and eighty-nine of Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number seventy-three of the public acts of one thousand eight hundred and eighty-nine entitled "An act to amend section one of an act entitled, 'An act to authorize proceedings by garnishment in the circuit courts and the district court of the upper peninsula,' approved March sixteenth, one thousand eight hundred and sixty-one, as the same has been amended by the several acts amendatory thereof, the same being section eight thousand and fifty-eight of Howell's annotated statutes of the State of Michigan," be and the same is hereby amended so as to read as follows: Section amended.

Authorizing
proceedings
by garnish-
ment.

Plaintiff shall
file affidavit
with clerk of
circuit court
stating when
he believes
any person
has goods or
property of
defendant.

Writ of garn-
ishment shall
be issued.

Such person to
appear and
make disclos-
ure as to his
liability as
garnishee.

Section
repealed.

(8058) SECTION 1. That in all personal actions arising upon contracts, express or implied, brought in the several courts or municipal courts of civil jurisdiction, whether commenced by declaration, writs of *capias*, summons or attachment, and in all cases where there remains any sum unpaid upon any judgment or decree rendered in any of the several courts hereinbefore mentioned or upon any transcript of a judgment filed in said courts, if the plaintiff, his agent or attorney, shall file with the clerk of said circuit court at the time of, or after the commencement of suit, or at any time after rendition of judgment or decree (or the filing of a transcript of judgment), an affidavit stating that he has good reason to believe, and does believe, that any person (naming him) [has] his property, money, goods, chattels, credits or effects in his hands or under his custody or control, belonging to the defendant (or any or either of the defendants), or that such person is indebted to the defendants, (or any or either of the defendants), whether such indebtedness is due or not, and that the principal defendant (naming him or them), is justly indebted to the plaintiff on such contract, judgment, decree or transcript, in a given amount, over and above all legal set-offs, and that the plaintiff or affiant is justly apprehensive of the loss of the same, unless a writ of garnishment issue to the aforesaid person, a writ of garnishment shall be issued, sealed, and tested in the same manner as writs of summons, and directed to the sheriff, reciting the commencement of said suit, or the rendition of judgment or decree against the principal defendant, (or any or either of the defendants), or the (filing of a transcript of judgment), and the filing of the affidavit aforesaid, and thereupon commanding said sheriff to warn and summon such person to appear before said court (on or before) a day to be named therein, which day shall not be less than fourteen days from the date of issuing the same, to make disclosure in writing under his oath to be filed with the clerk of said court, touching his liability as garnishee of the principal defendant, (or any or either of the defendants) (naming him or them), as charged in said affidavit, and thenceforth pay no money and deliver no property to the principal defendant, (or any or either of the defendants), and of said writ make due return.

(8089) SEC. 2. Section thirty-three of chapter two hundred and seventy-seven (being compiler's section eight thousand and eighty-nine) of Howell's annotated statutes of Michigan, is hereby repealed.

Approved February 5, 1897.

[No. 7.]

AN ACT making an appropriation for the current and running expenses of the Michigan Home for the Feeble Minded and Epileptic, until the general appropriation for that purpose shall be available.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated for the Michigan Home for the Feeble Minded and Epileptic, out of any money in the State treasury not otherwise appropriated, the sum of ten thousand dollars for the purpose mentioned in section two of this act. Appropriation, amount.

SEC. 2. Said money hereby appropriated shall be immediately available, and shall be used for the purpose of paying the current and running expenses of said home from January first eighteen hundred and ninety-seven, until the regular and ordinary appropriation for that purpose shall be [made] make available, and the sum hereby appropriated shall be deducted from the gross amount of such regular and ordinary [appropriation] appropriated as an advance upon the same when such regular and ordinary appropriation for the current expenses at said home for the year eighteen hundred and ninety-seven shall have become available. Purposes.

Amount to be deducted from regular appropriation.

This act is ordered to take immediate effect.

Approved February 11, 1897.

[No. 8.]

AN ACT to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used and to provide for an annual report by the Commander.

SECTION 1. *The People of the State of Michigan enact*, That the Board of State Auditors shall set apart a suitable, furnished room in the Capitol at Lansing, to be known as Headquarters room of the Grand Army of the Republic, Department of Michigan. Said room shall be given like care and attention as is given to other office rooms in the Capitol. The room shall be under the charge of the Commander of the Grand Army of the Republic for the Department of Michigan, and such officer or officers of the Grand Army of the Republic as he or his successors in office may appoint, and said room shall be used for the purpose of storing its supplies and property, arranging and keeping the records and history of the Department of Michigan Grand Army of the Republic, and Board of State Auditors to set apart room for G. A. R. headquarters.

Room to be under charge of G. A. R. commander for Michigan.

Records to be accessible for historical purposes.

Commander of G. A. R. for Michigan to report annually to Governor.

Distribution of report.

conducting the general office business of the Department as directed by the Commander. The records shall be accessible under suitable rules and regulations established by the Commander of the Department or his authorized assistant, to members of the Grand Army of the Republic and others engaged in collecting historical information.

SEC. 2. The Commander of the Department of the Michigan Grand Army of the Republic, shall annually report to the Governor on or before the first day of June of each year, such portions of the transactions of the Grand Army of the Republic as he may deem to be of interest to that organization and the people of the State. Eight hundred copies of this report shall be printed and bound in paper cover. Two hundred copies shall be distributed among the members of the legislature and State officers, and six hundred copies shall be delivered to the Commander of the Department for distribution among the posts of the Grand Army of the Republic.

This act is ordered to take immediate effect.

Approved February 11, 1897.

[No. 9.]

AN ACT to provide for the collection and publication of statistics of divorces in Michigan.

County clerks and clerks of courts of record to report applications for divorce to Secretary of State.

Secretary of State to supply blanks. What to specify.

Secretary of State to tabulate and include in report of vital statistics.

SECTION 1. *The People of the State of Michigan enact*, That the clerks of circuit courts for the several counties, the clerks of superior courts and of all other courts having jurisdiction in divorce cases shall annually, on or before the first day of February in each year, make returns to the Secretary of State in relation to petitions or bills for divorce in their respective courts, for the year ending on the thirty-first day of December preceding such returns. The returns shall be made on blanks supplied by the Secretary of State for that purpose, and shall specify the following details; Number of petitions or bills pending at the beginning of the year; whole number of petitions or bills filed within the year; number of divorces granted; number of divorces refused; number of petitions or bills contested; number of petitions or bills pending at the end of the year; alleged cause for divorce in each case; sex of complainant; date and place, state or country, where the marriage was performed; the name of each party; age of each party; number of children in family.

SEC. 2. The Secretary of State shall prepare from said returns abstracts and tabular statements of the facts relating to divorces in this State and embody the same in the annual report relating to the registry of births, marriages and deaths.

Approved February 11, 1897.

[No. 10.]

AN ACT to repeal act ninety-five of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the collection of apiarian statistics," being compiler's sections eight hundred and thirty-eight *b*, and eight hundred and thirty-eight *c*, of the third Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact, That* Act repealed.
act ninety-five of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the collection of apiarian statistics," being compiler's sections eight hundred and thirty-eight *b*, and eight hundred and thirty-eight *c*, of the third Howell's annotated statutes, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved February 11, 1897.

[No. 11.]

AN ACT to amend section forty-five of chapter one hundred and fifty-eight of the compiled laws of eighteen hundred and seventy-one as amended by act number ninety-two, public acts of eighteen hundred and eighty-five, the same being section five thousand nine hundred and thirty-two of the third volume of Howell's annotated statutes, relative to the payment of debts and legacies of deceased persons.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section forty-five of chapter one hundred and fifty-eight of the compiled laws of eighteen hundred and seventy-one, as amended by act number ninety-two, public acts of eighteen hundred and eighty-five, the same being section five thousand nine hundred and thirty-two of the third volume of Howell's annotated statutes, relative to the payment of debts and legacies of deceased persons, be and the same is hereby amended so as to read as follows:

(5932.) SEC. 45. If any person shall be liable as security for the deceased or have any other claim against his estate which cannot be proved as a debt before the commissioners, or allowed by them, the same may be presented with the proper proof to the probate court, or to the commissioners, who shall state the same in their report, if such claim shall be presented to them; and in case such claim shall be made against such estate by reason of any bond or agreement of any kind in writing, signed by the deceased and binding him to pay any certain sum or sums for the support of the claimant for the

When claims against estates of deceased person may be presented. May be presented to probate court.

When claims
may be com-
promised.

How paid.

lifetime of such claimant (or for a term of years), or to perform certain work for another, for the non-performance of which his estate is liable, or binding deceased to pay any sums as rental during a lease, the administrator of said estate, by and with the consent of such claimant and the approval of the judge of probate, may compromise and settle such claim in such manner as shall be just and shall be determined by said judge of probate or probate court, and the same so determined shall be paid as other debts of said deceased, and the administrator in effecting such compromise is empowered, if necessary and if so ordered by the judge of probate, after such notice as he shall direct, to purchase the real estate covered by the lease, and in case of the purchase of real estate as above provided the same shall be treated as personal property in the hands of the executor or administrator and disposed of and distributed as such.

This act is ordered to take immediate effect.

Approved February 11, 1897.

[No. 12.]

AN ACT making an appropriation for the current and running expenses of the Michigan Mining School until the general appropriation for that purpose shall be available.

Temporary
appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated for the Michigan Mining School, out of any money in the State treasury not otherwise appropriated, the sum of twenty thousand dollars for the purpose mentioned in section two of this act.

Money to be
immediately
available.

SEC. 2. Said money hereby appropriated shall be immediately available, and shall be used for the purpose of paying the current and running expenses of said school from January first, eighteen hundred and ninety-seven until the regular and ordinary appropriation for that purpose shall be available, and the sum hereby appropriated shall be deducted from the gross amount of such regular and ordinary appropriation as an advance upon the same when such regular and ordinary appropriation for the current expenses at said school for the year eighteen hundred and ninety-seven shall have become available.

To be de-
ducted from
regular
appropriation.

This act is ordered to take immediate effect.

Approved February 17, 1897.

[No. 13.]

AN ACT to provide for the incorporation of labor associations.

SECTION 1. *The People of the State of Michigan enact, That* labor associations may be incorporated under the provisions of this act. Labor associations may be incorporated.

SEC. 2. Any ten or more residents of this State, who are members of any chartered body, or of different chartered bodies, which body or bodies receive their charter from the American Federation of Labor, or from any International Labor organization issuing charters under authority from the American Federation of Labor, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth: Ten, etc., members may form. Articles of incorporation, contents of.

First, The names of the persons associating in the first instance, their places of residence and the name and location of the labor organization or organizations to which they severally belong;

Second, The corporate name by which such association shall be known in the law;

Third, The purposes of the association, which shall be to provide a building or buildings to be used in the interests of organized labor, and the period for which such association is incorporated, not exceeding thirty years.

SEC. 3. A copy of said articles of association shall be filed with the county clerk of the county within which such corporation shall be formed and shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body corporate by the name expressed in such articles of association. A copy of such articles of association, under the seal of the county clerk in whose office said record is kept, and certified by him, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such association. Articles filed with county clerk. Body corporate. Evidence of incorporation.

SEC. 4. Every corporation organized under the provisions of this act may take, receive, purchase and hold in its corporate capacity and for its corporate purposes, real and personal property, and the same or any part thereof demise, sell, convey, use and dispose of at pleasure; and may erect and own suitable building or buildings to be used in whole or in part for meetings of labor organizations or for any other purpose in the interests of labor organizations, and may borrow money, and for that purpose may issue its bonds and mortgage its property to secure the payment of said bonds. May purchase and hold property, erect and own buildings.

SEC. 5. Every such corporation shall have full power and authority to provide by its by-laws for the issuing of certifi- Power to issue stock.

Liability.	cates or shares of stock and for the manner in which the same shall be held and represented. All stockholders of every corporation formed under this act, shall be limited in their liability to creditors of any such corporation, to an amount equal to the amount unpaid on their said stock.
Succession of membership.	SEC. 6. Every such corporation shall have power to provide by its by-laws for succession to its original membership, and for new membership, and shall also have power to provide by its by-laws for election from its members of a board of trustees and to fix the number and term of office of such trustees.
To provide for board of trustees.	
Management and control vested in board of trustees.	SEC. 7. The management and control of the business, affairs and property of such corporation shall be vested in said board of trustees, and said board shall have power to borrow any money, and cause to be made and issued any bonds and mortgages authorized by section four of this act. Said trustees shall appoint from their number a president, secretary and treasurer, who shall perform the duties of their respective offices in accordance with the rules and regulations prescribed by the board of trustees.
Officers.	This act is ordered to take immediate effect. Approved February 18, 1897.

[No. 14.]

AN ACT to provide for the printing and distribution of all laws of a public and general character which have been given immediate effect.

Immediate effect acts to be published monthly.

Secretary of State to distribute.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Secretary of State at least once in each month to cause to be printed in pamphlet form all laws of a general and public character which shall be passed, given immediate effect, and have received the approval of the executive during the continuation of the legislative session. It shall be the further duty of the Secretary of State to transmit a copy of said laws to the following persons, viz.: Judges of all courts of record, prosecuting attorneys, and county clerks.

This act is ordered to take immediate effect.
Approved February 24, 1897.

[No. 15.]

AN ACT to provide for the continuance of the recompilation and copying of the records in the office of the Adjutant General pertaining to the enlistment, muster, history and final disposition of the soldiers and sailors from this State during the war of the rebellion, and for the publication of a "Roster of Michigan Soldiers from eighteen hundred sixty-one to eighteen hundred sixty-six inclusive," and to make appropriation therefor.

SECTION 1. *The People of the State of Michigan enact*, That the Adjutant General is hereby authorized and directed to provide suitable books and to recompile and copy from papers now on file in his office, and from such other official papers as he may obtain, the military or naval history of each and every soldier or sailor, who enlisted from or was credited to this State during the war of the rebellion. Such history shall show, as far as may be possible, the name, age, date of enlistment, military or naval history and final disposition of each such soldier or sailor. Recompilation of records, etc.

SEC. 2. The sum of four thousand dollars is hereby appropriated, or so much thereof as may be necessary, out of any moneys in the State treasury to the credit of the general fund not otherwise appropriated, for the purposes mentioned in this act. Appropriation.

SEC. 3. The Auditor General shall add to and incorporate Tax. in the State tax for the year one thousand eight hundred and ninety-seven the sum of four thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section two of this act.

This act is ordered to take immediate effect.

Approved February 25, 1897.

[No. 16.]

AN ACT to amend section four of an act entitled, "An act to prescribe the manner of conducting and to prevent fraud and deceptions at elections in this State, the same being section four of act one hundred and ninety (190) of the public acts of eighteen hundred and ninety-one (1891), as amended by section four of act number seventeen (17) of the public acts of eighteen hundred and ninety-three (1893), and to repeal all acts and parts of acts contravening the provisions of this act.

SECTION 1. *The People of the State of Michigan enact*, That section four of act number one hundred and ninety (190) of the Section amended.

public acts of eighteen hundred and ninety-one (1891), as amended by section four of act number seventeen (17) of the public acts of eighteen hundred and ninety-three (1893) be and the same is hereby amended so as to read as follows:

When voting precincts may be divided.

What to govern proceedings.

When common council to provide for by ordinance.

SEC. 4. When any election district or voting precinct shall contain over three hundred electors, according to the poll list of the last preceding general election, the township board in townships and the city council in cities may, in their discretion, divide such voting precincts into two or more election districts. In case of townships and incorporated villages so divided, the provisions of chapter eight (8) of Howell's annotated statutes shall apply to and govern all proceedings hereunder, with reference to such division, boards of registration, election inspectors and all matters arising therefrom not provided for by this act. In cities where no special provisions exist relative thereto, such division and all matters arising therefrom, not covered by the provisions of this act, shall be provided for by ordinance of the common council of said city, and it is hereby made the duty of such common council to make all necessary rules and regulations in connection therewith to fully carry out the provisions of this section.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 17.]

AN ACT to amend section thirty-eight of act number forty-four of the public acts of one thousand eight hundred and ninety-five, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-eight of act number one hundred and ninety of the public acts of one thousand eight hundred and ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State," as amended by act number forty-four of the public acts of eighteen hundred and ninety-five, be and the same is hereby amended so as to read as follows:

When count completed result to be publicly declared. Statement of result.

SEC. 38. After the count of the tickets or ballots has been completed the result shall be immediately declared, and the number of votes received by each candidate or person on the ticket shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement of the result in duplicate, showing the whole number of votes cast for each office, the names of the persons for which such votes were given,

and the number each person received. Such a statement, when certified by the inspectors and duly signed, shall be delivered, one copy to the township or city clerk to be filed by him in his office, and the other, together with one of the original tally sheets, shall by the township or city clerk be, within twenty-four hours after the result is declared, delivered in person or immediately forwarded by registered mail to the said county clerk.

Approved March 10, 1897.

[No. 18.]

AN ACT to amend section three hundred and sixty-four, chapter ten, of the compiled laws of eighteen hundred and fifty-seven, and the several acts amendatory thereof, relative to boards of supervisors, the same being section five hundred and two of Howell's annotated statutes of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That section three hundred and sixty-four, chapter ten, of the compiled laws of eighteen hundred and fifty-seven and the several acts amendatory thereof, relative to boards of supervisors, the same being section five hundred and two of Howell's annotated statutes of the State of Michigan, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 502. Every member of such board of supervisors shall be allowed a compensation of three dollars per day for his services and expenses in attending the meeting of said board and six cents a mile for each mile necessarily traveled in going to and returning from the place of such meeting: *Provided*, That no supervisor shall be allowed pay for more than one day for each twenty-four hours that the board of supervisors shall be in session: *Provided*, Where a member of the board of supervisors in any county of the upper peninsula has to leave home the day before the meeting of the board in order to arrive at place of meeting of said board at time of commencement of session, and where members cannot get home the day meeting adjourns said members shall be allowed compensation at the rate of three dollars per day for time actually employed in going to and returning home from place of meeting of said board by the most direct and usually traveled route. To be audited by the board and paid by the county, which compensation of three dollars per day shall extend to and be allowed for the first twelve days only of any continuous regular session, and six days only for an adjourned session of said board, of which special session there shall be no more than two in Compensation of supervisors attending board meetings.
Proviso as to supervisors in upper Peninsula.
Time for which compensation allowed.

Penalty for
receiving
extra pay.

Provision as
to Wayne
and Saginaw
counties.

Proviso as
to repealing
acts.

any one official year, which said amount shall be in full for all services rendered and expenses in attending the meetings of such board of supervisors and for all services and expenses incurred while acting upon any committee of said board of supervisors during the session of said board, and any supervisor receiving further or other compensation for such services shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars: *Provided*, The supervisors of Wayne and Saginaw counties shall only receive three dollars per day for the first fifteen days of any regular session, and the like sum of three dollars per day for the first three days of any extra session, of which there shall not be more than two in any one year, the same mileage to be allowed as is provided for in the regular session (sessions), which said amount shall be in full for all services and expenses in attending the meetings of such board of supervisors, and any supervisor receiving any other or further compensation for such services shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars: *Provided*, That nothing herein contained shall be construed so as to in any way repeal other acts providing for compensation to members of boards engaged in committee work, or change the number of days allowed therein for regular or special sessions in any one year. Said acts shall stand the same as if this act had not been passed.

Approved March 10, 1897.

[No. 19.]

AN ACT to amend section twenty-seven, of chapter one hundred and twenty-three, of the revised statutes, of eighteen hundred and forty-six, relative to the proceedings to recover the possession of land in certain cases. The same being compiler's section eight thousand three hundred and nine, of Howell's annotated statutes, as amended by act one hundred and ninety-nine, of the laws of eighteen hundred and sixty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-seven of chapter one hundred and twenty-three, revised statutes of eighteen hundred and forty-six, relative to proceedings to recover the possession of land in certain cases, the same being compiler's section eight thousand three hundred and nine, of Howell's annotated statutes, as amended by act one hundred and ninety-nine, of the laws of eighteen hundred and sixty-three, be amended to read as follows:

SEC. 27. If upon the trial of an appeal in the circuit court, judgment be rendered in favor of either party for costs, the circuit court may issue execution for such costs, and if the complainant shall recover judgment of restitution of the premises in question, or any part thereof, the circuit court may issue a writ of possession in favor of the complainant, in accordance with such judgment of restitution which writ of possession may be issued to the sheriff, or other proper officer of any county of this State in which the premises recovered are situated, in all such cases where such judgment shall have been or may hereafter be rendered.

Court may
issue execu-
tion for costs,
when.

Court may
issue writ of
possession,
when.

Approved March 10, 1897.

[No. 20.]

AN ACT to amend section thirty-three of chapter one hundred and eight, of the revised statutes of eighteen hundred and forty-six, relative to the action of ejectment, the same being compiler's section seven thousand eight hundred and nineteen, Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* That section thirty-three of chapter one hundred and eight of the revised statutes of eighteen hundred and forty-six, relative to action of ejectment, the same being compiler's section seven thousand eight hundred and nineteen, Howell's annotated statutes, be amended so as to read as follows: Act amended.

SEC. 33. The plaintiff recovering such judgment shall be entitled to a writ of possession, which shall be substantially in the following form: Form of writ
of possession.

In the name of the People of the State of Michigan.

To the sheriff of the county of.....:

WHEREAS, A. B. has lately, in our circuit court for the county of....., by the judgment of such court, recovered against C. D. the following described premises to wit: (Describing the premises recovered with like certainty as above provided) which said premises have been and are still unjustly withheld from the said A. B. by the said C. D., whereof he is convicted as appears to us of record, and for as much as it is adjudged in the said court that the said A. B. have execution upon said judgment against the said C. D. according to the force, form and effect of his said recovery; Therefore we command you, that without delay you deliver to the said A. B. possession of the said premises so recovered, with the appurtenances, and that you certify to our said court at, etc., on, etc., in what manner you shall have executed this writ. If there be costs to be collected the proper clause may here be inserted, witness, etc. Which said writ of possession may be

issued to the sheriff or other proper officer of any county in this State, in which the premises recovered are situated, in all cases where such judgment of recovery shall have been or may hereafter be rendered.

Approved March 10, 1897.

[No. 21.]

AN ACT to amend act number one hundred and sixty-one of the public acts of eighteen hundred and ninety-five entitled "An act to require county treasurers to furnish transcripts and abstracts of records and fixing the fees to be paid therefor."

Act amended. SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and sixty-one of the public acts of eighteen hundred and ninety-five, entitled "An act to require county treasurers to furnish transcripts and abstracts of records and fixing the fees to be paid therefor," be and the same is hereby amended so as to read as follows:

County treasurers to furnish transcript of records. SECTION 1. *The People of the State of Michigan enact*, That the county treasurers of the several counties shall make or cause to be made on application therefor transcripts of any papers or records on file in their offices, upon payment by

Fees. applicants therefor the following fees: For abstracts of taxes [on] or any description of land, three cents for each year covered by such abstract or abstracts, with statement of name and residence of taxpayers, twelve cents per year for each description of land therein; for list of State tax lands or State bids, two cents for each description of land therein; for one copy of any paper or document at the rate of ten cents per one hundred words; for each certificate fifteen cents: *Provided*, That in no case shall any abstract, list or copy made as required by this act, be furnished for a less sum than fifteen cents: *Provided further*, That for statements in respect to the payment of taxes required by section one hundred and thirty-five of act two hundred and six of the public acts of one thousand eight hundred and ninety-three, the county treasurer shall receive fifteen cents for each statement. All moneys collected under the provisions of this act shall be retained by the county treasurers collecting the same, except in the counties of Wayne, Kent, Saginaw and Bay, in which counties such moneys shall be placed, by the treasurers, collecting the same, to the credit of the general fund of the county: *Provided further*, That the fee charged for furnishing tax histories as required by section one hundred and thirty-five of act two hundred and six of the public acts of one thousand eight hundred and ninety-three, shall, from and after the first day of January one thousand

Proviso as to amount of fees.

Further proviso.

Further proviso as to tax histories.

eight hundred and ninety-nine be abolished, and such statements shall thereafter be furnished free of charge.

Approved March 10, 1897.

[No. 22.]

AN ACT to provide for service of notices, writs or other process upon common councils, boards, commissions, or other public bodies, and for the making of answers by such bodies in suits or other judicial proceedings.

SECTION 1. *The People of the State of Michigan enact, That* notices, writs, or other process in judicial proceedings may be served upon any common council, board, commission, or other public bodies organized or existing under any law of this State, when by statute no other method of service is specially provided by delivering the same or a certified or verified copy thereof to the president or chairman of such council, board, commission or body, or to the clerk or secretary thereof, and it shall be the duty of the officer upon whom such service shall be made, at its next meeting, to inform such common council, board, commission, or other public body, of such service; and it shall not be necessary to serve notices, writs, or other process upon the individual members of such common council, board, commission, or other public body, and such council, board, commission, or other public body may appear and answer or plead in such proceedings in such manner as it may direct.

How writs, notices, etc., may be served on public bodies.

Approved March 10, 1897.

[No. 23.]

AN ACT making it unlawful for prosecuting attorneys to defend or assist in the defense of any person charged with crime within their respective counties.

SECTION 1. *The People of the State of Michigan enact, That* it shall be unlawful for any prosecuting attorney of this State to defend or assist in the defense of any person charged with crime within the county of which he is prosecuting attorney.

Prosecuting attorney prohibited from defending persons charged with crime.

SEC. 2. When any criminal case commenced by the people of the State of Michigan within any county of this State shall be transferred to another county for trial for any reason whatsoever, the prosecuting attorney of the county to which said cause is transferred shall be prohibited from defending

In case of transfer to another county.

May assist in
prosecution.

or assisting in the defense of the cause so transferred; and in case the prosecuting attorney of the county to which said cause is transferred shall be employed to assist in the prosecution of said cause, the county from which said cause was transferred shall pay such charges to such prosecuting attorney as the court may allow.

Approved March 10, 1897.

[No. 24.]

AN ACT to amend section three of act number one hundred fifty-six of the session laws of eighteen hundred and fifty-one, entitled "An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local administrative and legislative powers," the same being section four hundred and seventy-five of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number one hundred fifty-six of the session laws of eighteen hundred and fifty-one, entitled "An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," being section four hundred and seventy-five of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Quorum of
board of
supervisors.

SEC. 3. A majority of the supervisors of any county shall constitute a quorum for the transaction of the ordinary business of the county, and all questions which shall arise at their meetings shall be determined by the votes of a majority of the supervisors present, except upon the final passage or adoption of any measure or resolution, or the allowance of any claim against the county, in which case a majority of all the members elect shall be necessary. They shall sit with open doors, and all persons may attend their meetings. They shall, at their first meeting after the annual township meeting in each year, choose one of their number as chairman, who shall preside at all meetings of the board during the year, if present, but in case of his absence from any meeting, the members present shall choose one of their number as temporary chairman. Every chairman shall have power to administer an oath to any person concerning any matter submitted to the board, or connected with the discharge of their duties, to issue subpoenas for witnesses and to compel their attendance in the same manner as courts of law.

Manner of
holding
meetings.

Powers of
chairman.

Approved March 10, 1897.

[No. 25.]

AN ACT to provide for the commencement and maintaining of actions by and against unincorporated voluntary associations, clubs and societies and for the service of process in such cases.

SECTION 1. *The People of the State of Michigan enact, That* whenever any unincorporated voluntary association, club or society, shall be formed in this State, composed of five members or more, having some distinguishing name, actions at law or in chancery may be brought by or against such association, club or society by the name by which it is known: *Provided,* That this act shall not take away the right of the litigant to proceed against all the members of such association, club or society, if such litigant shall so elect to proceed.

How actions may be brought against unincorporated associations.

Proviso as to litigant.

SEC. 2. In all actions and proceedings brought under section one of this act the process may be served upon the president, vice president, secretary, treasurer, or any other officer of said unincorporated voluntary association, club or society.

How process may be served.

Approved March 10, 1897.

[No. 26.]

AN ACT to provide for the completion, printing, binding, distribution and sale of the compiled laws of eighteen hundred and ninety-seven.

SECTION 1. *The People of the State of Michigan enact, That* the compilation of the general laws of the State, prepared by the compiler elected by the legislature of eighteen hundred and ninety-five in accordance with act number two hundred and sixty-eight of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the collection, compilation and reprinting of the general laws of this State, together with a digest of the decisions of the supreme court relating thereto," shall be printed, bound and distributed as hereinafter provided.

Printing and distributing the compiled laws.

SEC. 2. The said compiler shall, in the proper places and manner, incorporate with the text of said compilation the general laws and amendments thereof enacted by the present legislature, as soon as practicable after the close of the present session. And it is made the duty of the Secretary of State to furnish to said compiler, upon the requisition of said compiler, correct copies of all general laws and amendments thereof enacted by the present legislature, as fast as the approved

What to incorporate.

Secretary of State to furnish compiler with correct copies of laws and amendments.

Annotations.	copies thereof are filed in his office. The said compiler shall also add to the annotations of said compilation notes and digests of the later decisions of the supreme court interpreting the general laws, so that the said annotations may be substantially complete down to the time of printing.
Commissioners to examine and certify if correct.	SEC. 3. After the general acts and amendments thereof enacted by the present legislature shall have been incorporated with the compilation, as provided in the preceding section, the two commissioners heretofore appointed shall examine the work of the compiler and determine whether the same is a correct compilation of the general laws in force at the close of the present session and certify accordingly.
Printing, when and where done.	SEC. 4. The printing of said compilation shall be done by the State printer as other State printing is done. It shall be begun immediately after the close of the present session and carried on as rapidly as is consistent with a proper execution of the work. The printing shall be under the immediate supervision of the compiler, who shall personally read the final proofs, comparing them with the original texts of the statutes and verifying all the references and citations in the annotations. The Board of State Auditors may, in their discretion, make provision for stereotyping or electrotyping the pages of said compilation and for letting the contract therefor to the lowest responsible bidder. And, in case of the electrotyping or stereotyping of the work, the Board of State Auditors may, when the edition of twenty thousand copies is exhausted by distribution and sale thereof, order the printing and binding of such number of copies as may be necessary to meet the future sale and distribution.
To be under the supervision of the compiler.	
Auditors may provide for electrotyping.	
Index.	SEC. 5. During the printing of said compilation, the compiler shall make a full and complete index of the general statutes contained therein, by the consecutive section numbers, which index shall be printed and bound with the compilation.
How printed.	SEC. 6. The compilation shall be printed in pages of the size and measurement of Howell's annotated statutes. The text of the laws shall be set in long primer solid, and the side notes and annotations in nonpareil solid. The annotations to each section shall immediately follow such section and shall be set in one-half the measure of the text and arranged in two columns on the page. The style of the rest of the work shall be determined by the compiler after consultation with the State printer. The paper to be furnished by the Board of State Auditors shall be all rag "S. & C. book, tinted," seventy pounds to the ream, twenty-eight by forty-two. When printed, the compilation shall be firmly and substantially bound, by the State binders, in full law sheep, in two volumes as nearly equal in size as possible: <i>Provided</i> , That, if the Board of State Auditors shall determine that the addition of the index to the bulk of the two volumes will make such volumes too unwieldy and heavy for the binding, they may, in their discretion, order that the index be bound in a separate volume by
How bound.	
When index may be in separate volume.	

itself. The volumes, so bound, shall be labelled on the back, "Compiled Laws—Michigan—1897." Every copy of the first volume shall be distinctly stamped on the back with a large, heavy-faced figure "1" and every copy of the second volume similarly stamped with the figure "2." In case the index is separately bound, it shall be distinctly stamped "Index."

To be numbered.

SEC. 7. An edition of twenty thousand copies of said compilation shall be printed and bound by the State printer and binder and shall be delivered to the Secretary of State for distribution. They shall be distributed in the same manner as the public acts are distributed; and, in addition to the persons entitled to copies under such distribution, one copy each shall be delivered to the Senators and Representatives of the legislature of eighteen hundred and ninety-five who are not members of the present legislature, and one copy each to the compiler and the two commissioners.

Number of copies to be printed.

How distributed.

SEC. 8. The Secretary of State is hereby authorized and directed to sell, from time to time, any number of the copies remaining after distribution, except such number of copies as he may deem it necessary to reserve for future distribution, at such a price per copy, not less than the actual cost thereof, as the Board of State Auditors may determine.

Sale of.

SEC. 9. The commissioners shall each receive for their services under this act the sum of two hundred and fifty dollars and his necessary expenses heretofore or hereafter incurred in the performance of his duties, to be audited and allowed by the Board of State Auditors. The compiler shall receive for his services under this act the sum of twenty-five hundred dollars, payable as follows: Not to exceed one hundred and fifty dollars monthly shall be paid to him upon his making a satisfactory showing to the Board of State Auditors that the work of printing the compilation is duly progressing and the balance of said sum of twenty-five hundred dollars shall be paid to said compiler as soon as the printing of the last volume and the index is completed.

Compensation of commissioners.

Of compiler.

How payable.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 27.]

AN ACT to amend section one of act number one hundred and eleven of the session laws of eighteen hundred and sixty-nine, entitled "An act to prevent the destruction of muskrats and muskrat houses in the marshes along the shore of Lakes Erie, St. Clair, Huron and Michigan," being section two thousand two hundred and sixteen of Howell's annotated statutes, and to repeal all acts inconsistent therewith.

SECTION 1. *The People of the State of Michigan enact, That* section one of act number one hundred and eleven of the ses-

Section amended.

sion laws of eighteen hundred and sixty-nine, entitled "An act to prevent the destruction of muskrats and muskrat houses in the marshes along the shores of Lakes Erie, St. Clair, Huron and Michigan," being section two thousand two hundred and sixteen of Howell's annotated statutes, be amended so as to read as follows, viz.:

Killing of muskrats in certain waters at certain seasons prohibited.

Penalty.

Act repealed.

SECTION 1. That no person or persons shall kill, destroy or take by any means whatsoever, within the limits of the marshes bordering on the waters of Lake Erie, Detroit river, River St. Clair, Lake St. Clair, Lake Huron and Lake Michigan, any muskrat found in said marshes, or in or on the banks of any bayous or creeks in said marshes, between the first day of April and the first day of December of each year. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof may be punished by a fine not to exceed five (\$5) dollars for each offense, and in default of payment thereof, by imprisonment in the county jail not to exceed ten (10) days or both such fine and imprisonment, in the discretion of the court.

SEC. 2. Act number one hundred and three of the public acts of eighteen hundred and seventy-seven is hereby repealed.

Approved March 10, 1897.

[No. 28.]

AN ACT to amend section six of act one hundred eighty-seven of the session laws of eighteen hundred and eighty-seven, approved June seventeenth, eighteen hundred eighty-seven, entitled "An act to revise the laws providing for the incorporation of coöperative and mutual benefit associations, and to define the powers and duties and regulate the transaction of the business of all such corporations and associations doing business within this State," and to add two new sections thereto to stand as sections thirty-two and thirty-three.

Act concerning coöperative and mutual benefit associations amended.

Sections thirty-two and thirty-three added.

SECTION 1. *The People of the State of Michigan enact*, That section six of act number one hundred eighty-seven of the session laws of eighteen hundred and eighty-seven, approved June seventeenth, eighteen hundred eighty-seven, entitled "An act to revise the laws providing for the incorporation of coöperative and mutual benefit associations, and to define the powers and duties and regulate the transaction of the business of all such corporations and associations doing business within this State," be and the same is hereby amended so as to read as follows, and that two new sections be added thereto to stand as sections thirty-two and thirty-three.

SEC. 6. Such corporation shall not commence business unless it shall have procured bona fide agreements for insurance therein from at least two hundred eligible persons, which, in case of a life insurance company, shall be in an amount of not less than one thousand dollars each, and in case of either a life or casualty insurance company, shall have received at least one assessment thereon in cash from each of such persons, according to the rate and plan set forth in its articles of association, which amount so received in cash shall aggregate at least one thousand dollars; nor until it has fully organized by the election of the proper and suitable officers, and the secretary and treasurer shall have given good and sufficient bonds to the association to be held by the president of the association, for the faithful performance of their duties, which bonds shall not be less than two thousand dollars, and shall be at least twice the amount of money liable to come into their hands as such officers at any one time; said bonds to be approved by the Commissioner of Insurance. The president and secretary of such corporation shall furnish under oath to the Commissioner of Insurance proof of such agreements for insurance, giving the name, residence, age and amount of insurance applied for by each applicant, and the amount of assessment actually paid by each applicant, and also proof of the election and qualification of the officers, and the custodian of the funds of such corporation shall furnish to the Commissioner of Insurance a certificate under oath that he has received and holds in trust for the benefit of the beneficiaries of such applicants, the sum of one thousand dollars or more.

When corporation to commence business.

Proper officers must be elected.

Must give bonds.

Officers of corporation must furnish proof of agreements for insurance, etc., to Commissioner of Insurance.

SEC. 32. Any corporation, association, organization or society now authorized, or which may be hereafter organized, under the provisions of any law of this State for the purpose of paying to its members benefits in case of death, accident or sickness, which benefits are derived and paid from assessments upon such members, may at any time avail itself of the provisions of, and reincorporate under this act by a resolution adopted at any regular or annual meeting of such corporation, association, organization or society, or at a meeting called specially for that purpose by a vote of a majority of its members, authorizing and directing its board of directors to prepare, execute and acknowledge articles of association in accordance with this act, which shall forthwith upon execution and acknowledgment as aforesaid be submitted to the Attorney General and Commissioner of Insurance for examination, and if such articles shall be found to comply with the provisions of this act, said officers shall respectively endorse the same with their approval and said articles shall thereupon be filed and recorded in the office of the Commissioner of Insurance and of the clerk of the county in which the principal office of the corporation, association, organization or society is located.

Any corporation paying its members benefits may reincorporate under this act.

Majority of its members may order reincorporation.

Articles to be submitted to Attorney General and Commissioner of Insurance for approval.

Articles filed in office of Commissioner of Insurance and office of county clerk.

SEC. 33. Upon the filing of such articles as aforesaid, such corporation, association, organization, or society so reincor-

Shall be a body politic and corporate.

porated shall become and be a body corporate and politic for the purposes set forth in said articles and shall be subject to and governed by the provisions of this act.

This act is ordered to take immediate effect.

Approved March 10, 1897.

[No. 29.]

AN ACT to provide for the purchase of books and equipments for the Michigan State Library and the Michigan traveling libraries.

Appropriation
for books and
equipments
for Michigan
State library.

Money to be
drawn on war-
rant of Aud-
itor General.

Amount of
appropriation
for each year.

SECTION 1. *The People of the State of Michigan enact*, That the sum of four thousand dollars, to be assessed, levied and collected in the same manner as other State taxes, is hereby appropriated for each of the years eighteen hundred ninety-seven and eighteen hundred ninety-eight for the purchase of books and such other material as is appropriate to be added to the State library. The money so appropriated shall be drawn from the State treasury upon the warrant of the Auditor General and shall be expended by the State Librarian with the advice and consent of the Governor for the purchase of books, pamphlets, papers, documents and other matter for the library and for other purposes of benefit and advantage to said library.

SEC. 2. There shall be appropriated from the treasury of the State from funds not otherwise appropriated, the sum of two thousand and five hundred dollars, for the year eighteen hundred and ninety-seven, and the sum of two thousand five hundred dollars for the year eighteen hundred and ninety-eight, for the purchase of books and equipment of the Michigan traveling libraries.

This act is ordered to take immediate effect.

Approved March 12, 1897.

[No. 30.]

AN ACT to amend section thirty-four of chapter one hundred and two of the revised statutes of eighteen hundred and forty-six, being compiler's section seven thousand four hundred and forty-nine, Howell's annotated statutes, relative to authentication of records and other judicial proceedings in courts of foreign countries.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-four of chapter one hundred and two of the

revised statutes of eighteen hundred and forty-six, being compiler's section seven thousand four hundred and forty-nine, Howell's annotated statutes, relative to authentication of records and other judicial proceedings in courts of foreign countries, be and the same is hereby amended so as to read as follows:

SEC. 34. The records and judicial proceedings of any court in the several states and territories of the United States in any foreign country shall be admitted in evidence in the courts of this State, upon being authenticated by the attestation of the clerk of such court, with the seal of such court annexed, or of the officer in whose custody such records are legally kept, with the seal of his office annexed. Records and judicial proceedings of foreign courts.

This act is ordered to take immediate effect.

Approved March 12, 1897.

[No. 31.]

AN ACT to provide for the incorporation of the Students' Christian Association of the University of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the Students' Christian Association of the University of Michigan, now incorporated under the laws of this State, may be reincorporated in pursuance of the provisions of this act. Students association may reincorporate.

SEC. 2. The directors of the Students' Christian Association of the University, when authorized so to do by two-thirds vote of the members of said association, may make and execute articles of association under their hands and seals, which said articles shall be acknowledged before some officer of the State having authority to take acknowledgments of deeds and shall set forth: Two-thirds of the members necessary to change articles. Articles shall set forth.

First, The names of the persons being such directors and their places of residence; Names of persons.

Second, The name of such association and the place where its office for the transaction of business is located and the period for which it is incorporated, not exceeding thirty years; Corporate name.

Third, The object for which it is organized expressly stated; Object of organization. Trustees.

Fourth, The number of its trustees and regular officers;

Fifth, The terms and conditions of memberships. Membership.

One copy of such articles shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, and another copy thereof shall be filed in the clerk's office of Washtenaw county. Copies of articles to be filed with Secretary of State and county clerk.

Upon the execution and acknowledgment of such articles the signers thereof and all persons then belonging to the Students' Christian Association of the University of Michigan, Shall be a body politic and corporate.

and such persons as thereafter may be associated with them shall become a body politic and corporate for the purposes set forth in said articles.

Management,
board of trus-
tees, etc.

SEC. 3. The affairs of such association shall be managed by a board of thirteen trustees, all of whom shall be members of evangelical churches in good and regular standing. Twelve trustees shall be chosen as hereinafter provided, six or more from the faculties or officers of the University, and the remainder from the graduates of the University or friends of the Students' Christian Association not such graduates. The president of such association shall be *ex officio* a member of said board. A majority of said trustees shall constitute a quorum, and have power to enact, alter and repeal all necessary by-laws.

Majority of
such board
constitute
quorum.

Officers of
association.

SEC. 4. The regular officers of said association shall be a president, two general vice presidents, a recording secretary and a treasurer. The persons now holding such offices in the Students' Christian Association shall continue to hold the same until their successors are elected and qualified.

Officers, elec-
tion of, term
of office, etc.

SEC. 5. At each annual meeting such association shall elect by ballot, from the active membership, the regular officers above provided for, to serve for the term of one year, or until their successors are elected and qualified. Such association may elect, from its active membership, such other officers to assist the above regular officers as the by-laws shall provide for.

Election of
board of
trustees, term
of office, etc.

SEC. 6. At the next annual meeting such association shall elect by ballot twelve members of the board of trustees, four to serve for a period of one year, four to serve for a period of two years and four to serve for a period of three years or, in each case, until their successors are elected and qualified. At each annual meeting thereafter trustees shall be chosen by ballot to fill the places of those whose terms of office shall have expired; each trustee so elected shall serve for the term of three years or for the period of an unexpired term when such trustee is elected to fill a vacancy. The persons to be so elected trustees by such association shall be nominated by the board of trustees. In case any person so nominated shall not be elected, said board shall nominate some other person and shall continue to so nominate until there shall be an election either at such annual meeting or at a special meeting called for that purpose.

Officers of
said board.

SEC. 7. The officers of said board of trustees shall be a president, vice president, secretary and treasurer, all of whom shall be members of such board.

Annual meet-
ing of asso-
ciation.

SEC. 8. The annual meeting of such association shall be held on the last Wednesday of May in each year at four p. m. at Newberry hall in the city of Ann Arbor, or at such other time and place as the by-laws shall prescribe.

Shall have
corporate
powers.

SEC. 9. Such association shall be a body politic and corporate, capable of suing and being sued, and shall be entitled to own and hold such real and personal estate as may be nec-

essary or convenient for carrying out the purposes of such corporation, and may sell or mortgage such real estate.

SEC. 10. Such association shall whenever required by the Attorney General or Legislature report a full statement of its affairs to the party so enquiring.

Make statement of its affairs to Attorney General or legislature.

This act is ordered to take immediate effect.

Approved March 12, 1897.

[No. 32.]

AN ACT to amend section eight, chapter one hundred and twelve, of Howell's annotated statutes, entitled "Water power companies," being compiler's section three thousand eight hundred and eighty-one of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact, That* section eight, chapter one hundred and twelve, entitled "Water power companies," being compiler's section three thousand eight hundred and eighty-one of Howell's annotated statutes be amended so as to read as follows:

Section amended.

SEC. 8. The said assessment shall then be delivered to the treasurer of the association for collection, who shall proceed forthwith and shall demand payment from each person named in said assessment of the amount apportioned to him, and if any such person shall neglect or refuse to pay the amount within five days after such demand to the treasurer, the same may be sued for and recovered, as provided for in section eighteen of this act. Or the board of directors of such water power company, may, by resolution direct that no member of said company or occupant of such power, whose assessment has been due and unpaid for thirty days after notice in writing of such assessment, shall be permitted to draw water from the race of said water power company until such assessment is paid, and such board of directors may, after the expiration of thirty days, after notice in writing as aforesaid, board up, or close the gate of flume of such delinquent member, or person, or owner, and keep the same closed until the assessments due as aforesaid, have been paid.

Assessment of water power companies, how collected.

Board of directors may prohibit occupant from use of water until assessment is paid.

Approved March 12, 1897.

[No. 33.]

AN ACT to amend section eight of act number one hundred and ninety-two of the public acts of eighteen hundred and eighty-seven, entitled "An act to amend act number two hundred and sixty of the public acts of eighteen hundred and eighty-one, approved June ten, eighteen hundred and eighty-one, being chapter fifty-two of Howell's annotated statutes, relative to the protection of children in certain cases by adding thereto four new sections to stand as sections seven, eight, nine and ten of said act," approved June eighteen, eighteen hundred and eighty-seven as amended by the several acts amendatory thereof.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section eight of act number one hundred and ninety-two of the public acts of eighteen hundred and eighty-seven entitled "An act to amend act number two hundred and sixty of the public acts of eighteen hundred and eighty-one, being chapter fifty-two of Howell's annotated statutes, relative to the protection of children in certain cases, by adding thereto four new sections, to stand as sections seven, eight, nine and ten of said act," approved June eighteen, eighteen hundred and eighty-seven, as amended by the several acts amendatory thereof, be and the same is hereby further amended so as to read as follows:

Application
and copy of
certificate to
be filed in
office of
asylum.
Contract,
contents of.

SEC. 8. That on filing said application and certificate approving said applicant, in the office of such asylum or institution and a copy of such certificate with the judge of probate as herein provided, a contract in writing shall be entered into by and between said applicant and the principal officer of such asylum or institution or such officer or agent of such asylum or institution, as the board of trustees thereof shall authorize, in which it shall be mutually agreed that said child shall remain with said applicant until it is eighteen or twenty-one years of age, as may be agreed upon by the contracting parties; which shall provide that the applicant shall support said child, shall treat it as a member of his or her family, that he or she will keep such child in the public schools, or in some equally good private school, for at least four months in each year, and that he or she will have such child taught some useful trade or occupation. Whenever any child shall be placed in any family the proper officer of such asylum or institution shall at once notify the county agent of the State board of corrections and charities, in counties where there is such agent, and where there is none, the superintendents of the poor, with whom and where such child is placed. Such agent or superintendents of the poor shall at least once in each year visit such child and carefully investigate its conditions and surroundings and report the same to the officer of the asylum or institution

County agent
to be notified
when child is
placed with
family.

Agent or super-
intendent to
visit child
once a year.

from which such child was received, and also send a duplicate copy of such report to the secretary of the State board of corrections and charities. (Such county agent shall receive as compensation under this act, his proper official expenses together with three dollars in full for his services for each case visited, investigated and reported by him, but not exceeding three dollars for any one day's service, which shall be audited by the Board of State Auditors on the approval of the secretary of the State board of corrections and charities, and paid from the general fund: *Provided*, That the sum so allowed for the services of such agent in any county except the county of Wayne shall not in any one year exceed the sum of twenty-five dollars, and that in the county of Wayne the sum so allowed for such services shall not in any one year exceed the sum of fifty dollars). And should the county agent or superintendent of the poor, in counties where there is no county agent, at any time deem that the interests of the child require it he may, with the approval of the judge of probate of the county where the child resides, after due notice of the hearing before said judge, given to the superintendent or other officer of said asylum or institution, cancel the contract of indenture, take possession of the child and return it to the said asylum or institution, or proceed according to law for its admission to the State Public School at Coldwater, as may be ordered by said judge. (And in case such proceedings are taken a petition therefor signed by such county agent alone shall be sufficient.)

Compensation
of county
agent.

Proviso as to
amount of
compensation.

When judge
of probate
may cancel
contract.

Approved March 18, 1897.

[No. 34.]

AN ACT to amend section one of chapter sixty-seven of the compiled laws of eighteen hundred and seventy-one, entitled "The destruction of wolves and other noxious animals," said chapter being chapter number seventy of Howell's statutes and to add a new section thereto to stand as section fourteen of said chapter.

SECTION 1. *The People of the State of Michigan enact*, That chapter sixty-seven of the compiled laws of eighteen hundred and seventy-one, entitled "The destruction of wolves and other noxious animals," said chapter being chapter number seventy of Howell's statutes, be and the same is hereby amended by adding a new section thereto to stand as section fourteen of said chapter, and that section one of said chapter be and the same is hereby amended, to read as follows:

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That every person, who shall kill a full grown wolf or wolf's whelp

Bounty for
killing wolves.

in any organized county in this State, shall be entitled to a bounty of fifteen dollars for each wolf over three months old, and seven dollars for each wolf's whelp under the age of three months, to be allowed and paid in the manner hereinafter provided.

Bounty for
killing wild-
cat and lynx.

Restriction as
to payment
of bounties.

SEC. 14. Every person, who shall kill a wildcat in any organized county of this State, shall be entitled to a bounty of three dollars for each wildcat killed; and every person who shall kill a lynx in any organized county in this State, shall be entitled to a bounty of five dollars for each lynx killed. The bounty offered in this section shall be subject to the same restrictions and limitations as are laid down in chapter sixty-seven of the compiled laws of eighteen hundred and seventy-one, as amended, and all of the provisions of said chapter, relative to the proving of claims, the paying of the same, and the penalties for false certificates for bounties on wolves, shall apply equally well to the bounties offered in this section.

Approved March 18, 1897.

[No. 35.]

AN ACT for the incorporation of National Societies of Colonial Dames of America in Michigan.

National
Societies
Colonial
Dames of
America may
incorporate.
Number who
may incor-
porate.

SECTION 1. *The People of the State of Michigan enact, That National Societies of Colonial Dames of America in Michigan may be incorporated under the provisions of this act.*

SEC. 2. Any twenty-five or more persons, residents of this State, being members of a National Society of Colonial Dames of America in Michigan, desiring to be incorporated, may make and execute articles of association under their hands and seals, which shall be acknowledged before some officer authorized by law to take acknowledgments of deeds and shall set forth:

Articles of
association.

First, The names and places of residence of the persons associating in the first instance;

Corporate
name.

Second, The corporate name by which the association shall be known, provided that no persons associating under this act shall be allowed to take the same name as any association heretofore incorporated; the place of its principal business office, and the period for which it is incorporated, which shall not exceed thirty years;

Object and
purpose.

Third, The object and purpose of the association, which shall be to collect manuscripts, traditions, relics and mementoes of by-gone days for preservation, and to hold from time to time, as the society may direct, a loan exhibition to commemorate the success of the American revolution and consequent birth of our glorious republic; to diffuse healthful and intelli-

gent information in whatever concerns the past and tends to create popular interest in American history; and, with a true spirit of patriotism, seek to inspire genuine love of country in every heart within its range of influence; and to teach the young that it is a sacred obligation to do justice and honor to heroic ancestors whose ability, valor, sufferings and achievements are worthy of praise.

SEC. 3. A copy of said articles of association shall be filed with the Secretary of State, and thereupon the persons who have signed such articles of association, their associates and successors, shall be a body corporate and known in the law and in fact by the name assumed by them in said articles of association, and by that name they and their associates and successors shall have succession and be capable to purchase, take, hold, receive and enjoy real, personal and mixed property; to sue and be sued, to have a common seal; and shall have authority and power to give, grant, demise, sell, lease and dispose of such real and personal and mixed estate belonging to them, or any part thereof, as they may see fit.

Copy of articles to be filed in office of Secretary of State.

SEC. 4. Said corporation shall have power to make and adopt a proper constitution and by-laws, prescribing the names and duties of its officers and all necessary and lawful rules and regulations for the government of its business.

Corporation may adopt by-laws.

SEC. 5. A copy of such articles of association, duly certified under the seal of the State, shall be *prima facie* evidence of the due existence and incorporation of such association.

Copy of articles under seal of State to be evidence.

Approved March 25, 1897.

[No. 36.]

AN ACT to protect the owners of bottles, boxes, siphons, fountains and kegs, used in the sale of milk, cream, soda water, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, or other beverages.

SECTION 1. *The People of the State of Michigan enact*, That any and all persons and corporations engaged in manufacturing, bottling or selling soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer or other beverages in bottles, siphons, fountains or kegs, with his, her, its, or their name or names or other mark or device together with the word "registered" branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles, siphons, fountains or kegs, or the boxes used by him, her, it, or them, may file in the office of the clerk of the county in which his,

Bottles and other packages to be branded and marked registered.

Brand to be registered in office of Secretary of State and county clerk. Notice to be published.

Unlawful for others to use registered bottles or packages.

Penalty.

Proviso.

Use of bottles and packages without consent of owner.

her, its, or their principal place of business is located, and also in the office of the Secretary of State, a description of the name or names, marks or devices so used by him, her, it, or them respectively, and cause such description to be printed once in each week for three weeks successively in a newspaper published in the county in which said notice may have been filed as aforesaid.

SEC. 2. It is hereby declared to be unlawful for any person or persons, corporation or corporations to fill with soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer or other beverages, or with medicine, compounds or mixtures, any bottle, box, siphon, fountain or keg so marked or distinguished as aforesaid, with or by any name, mark or device, of which a description shall have been filed and published, as provided in section one of this act, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device thereon; or to sell, buy, give, take or otherwise dispose of, or traffic in the same, without the written consent of, or unless the same shall have been purchased from, the person or persons, corporation or corporations, whose mark or device shall be or shall have been upon the bottle, box, siphon or keg so filled, trafficked in, used or handled as aforesaid; any person or persons, corporation or corporations, offending against the provisions of this section, shall be guilty of a misdemeanor, and shall be punished for the first offense by imprisonment not less than ten days or more than ninety days or by a fine of fifty cents for each and every such bottle, box, siphon, fountain or keg so filled, sold, used, disposed of, bought or trafficked in, or by both such fine and imprisonment in the discretion of the court; and for each subsequent offense by imprisonment not less than twenty days or more than one year, or by a fine of not less than one dollar nor more than five dollars for each and every bottle, box, siphon, fountain or keg so filled, used, sold, disposed of, bought or trafficked in, or by both such fine and imprisonment in the discretion of the court before whom the offense shall be tried: *Provided*, That any bottler or bottlers having in his, her, its or their possession any registered box, bottle, siphon, fountain or keg at the time the same shall be registered, shall, upon relinquishing the same to their owner be entitled to the cost value of the same from the said owner; and a refusal of such owner to accept and pay for them shall exempt the said possessor from any prosecution for violation of the provisions of this act as far as those particular boxes, bottles, siphons, fountains or kegs are concerned.

SEC. 3. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be or shall have been upon the same, without such written consent or purchase as aforesaid, of any such marked or distinguished bottle, box, siphon, fountain or keg, a description of the name, mark or device whereon shall have been filed and published as herein provided, for the sale of soda water,

mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer or other beverages, or of any article of merchandise, medicines, compounds or preparations, or for the furnishing of such similar beverages to customers, or the buying, selling, using, disposing of or trafficking in any such bottles, boxes, siphons, fountains or kegs by any person other than the persons or corporations having a name, mark or device thereon, of such owner, without such written consent, or the having by any junk dealer, or dealer in second hand articles possession of any such bottles, boxes, siphons, fountains or kegs a description of the marks, names or devices wherein shall have been so filed and published as aforesaid, without such written consent, shall and is hereby declared to be presumptive evidence of the unlawful use, purchase or traffic in of such bottles, boxes, siphons, fountains or kegs.

Possession of
by junk
dealer.

SEC. 4. Whenever any person, persons or corporations, mentioned in section one of this act, or his, her, it, or their agent, shall make oath before any magistrate that he, she or it, has reason to believe, and does believe, that any of his, her, it, or their bottles, boxes, siphons, fountains or kegs, a description of the names, marks or devices whereon has been so filed and published as aforesaid, are being unlawfully used or filled, or had, by any person or corporation manufacturing or selling soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer or other beverages, or that any junk dealer, or dealer in second hand articles, vendor of bottles, or any other person or corporation, has any such bottles, boxes, siphons, fountains or kegs in his, her or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession such bottles, boxes, siphons, fountains or kegs may be found, and shall then inquire into the circumstances of such possession; and if said magistrate finds that such person has been guilty of a violation of section two of this act, he must impose the punishment therein prescribed, and he shall also award possession of the property taken upon such search warrant, to the owner thereof.

Affidavit
stating unlaw-
ful possession.

Magistrate to
issue warrant.

SEC. 5. All costs incurred in the enforcement of the provisions of this act shall be assessed and collected in the same manner as in criminal cases; and all fines collected by virtue of this act shall be turned over by the magistrate collecting the same in the same manner and for the same purpose, as fines in cases of misdemeanors as now by law disposed of.

Costs to be
assessed as in
criminal
cases.

SEC. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Acts repealed.

Approved March 25, 1897.

[No. 37.]

AN ACT to fix the per diem compensation of members of the State legislature from the upper peninsula for and during the session of one thousand eight hundred and ninety-seven.

Per diem compensation of upper peninsula legislators.

SECTION 1. *The People of the State of Michigan enact*, That in addition to the compensation, mileage and allowance for stationery as fixed by law, for members representing the several senatorial and representative districts in the upper peninsula there shall be allowed and paid two dollars per diem extra compensation during the legislative session of the year eighteen hundred and ninety-seven.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 38.]

AN ACT to provide rules for the care and use of the Abbott voting machine at elections in this State.

Board or council to provide necessary articles for use with Abbott voting machine.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the township board of any township, or the council or common council of any village or city where the Abbott voting machines have been ordered to be used, to provide at each election, for each polling place where such voting machines have been ordered to be used, the necessary machines in working order, with suitable cards containing the names of the candidates to be voted for and questions to be voted on at that election in their proper places on the slides of said machines, inspector's table, and all other furniture and equipment necessary for the lawful conduct of the election, in readiness for use at the polling place where the election is to be held, at least thirty minutes before the time of opening the polls at the election. The voting machine shall be so placed that the front or closed side of said machine shall be in full view of the inspectors and bystanders at all times during the election, and the inside of said machine concealed from the view of all persons except voters and persons authorized by law to instruct or assist voters.

Position in which machine to be placed.

Position of railing.

SEC. 2. A railing shall be placed across or partly across the room, with an entrance gate at or near one end, and the other end running to a place in line with, and about three feet from the open door of the machine.

SEC. 3. In case said township board, village or city council shall fail to supply or arrange any part of said equipment it shall be the duty of the election inspectors to supply the deficiency.

Inspectors to supply deficiency in arrangements.

SEC. 4. Said township board, village or city council, shall provide to be posted at or near each of said polling places instruction cards containing the names of the several candidates to be voted for, and the questions to be voted on at that election, in the order they appear on the slides of the machine, and designating the location and colors said board or council assigned to the several political parties, together with brief directions regarding the selection and voting of the ticket.

Instruction cards to be posted near polling places.

SEC. 5. The inspectors of election shall set all of the register wheels in the machine at "zero" at least fifteen minutes before the opening of the polls, and for ten minutes immediately before the opening of the polls said wheels may be viewed and examined by all electors present, and immediately before the opening of the polls the inspectors of election shall view and examine said register wheels and replace the panel which covers them, whereupon the polls shall be declared open.

Register wheels to be set at zero.

SEC. 6. One inspector of election shall attend the door of the machine, and it shall be his duty to prevent said door being closed at any time during said election except when a voter is within for the purpose of voting, and whenever a voter after voting comes out of the door of the machine the inspector shall open the door to its fullest extent and it shall remain open until another voter enters the machine: *Provided*, That the door may be partly closed whenever instructions are being given to a voter.

Doors to be kept open except when in use.

SEC. 7. One inspector of election shall attend the entrance gate, and shall admit all voters in the order in which they apply for admission, or in the order in which their right to vote at that polling place is proven. A clerk who may or may not be an inspector of election shall keep a correct list of the names of all persons voting at the election. Said township board, village or city council may in addition to the above named officers of election, appoint as many inspectors, clerks and gate keepers as they may deem necessary to carry on the election, but not to exceed six persons including those named above.

Proviso.

Voters to be admitted in order.

Clerk to keep list of names.

Board or council may appoint gate-keepers, etc.

SEC. 8. No voter shall have the right to remain in said machine more than one minute except that when there are no voters waiting to vote, the inspectors may grant him further time in their discretion, but they may remove him at the expiration of one minute if there are other voters waiting: *Provided*, That any voter having been removed before voting may reenter the machine and cast his vote at any time during the day when the machine is not in use or wanted for use by other voters.

Limit of time voter may remain in machine.

Proviso.

SEC. 9. If any voter desires to vote for any person whose name is not in the machine, or for any combination of names that cannot be voted with the machine, the inspectors of elec-

Provision for voting for candidate not on machine.

tion shall supply him with a ballot and envelope, and said voter may fill out the ballot with the names of the persons he desires to vote for but who cannot be voted for with the machine, designate for which of the party candidates he desires the remainder of his ticket to be counted, seal the ballot within the envelope and deliver it to the inspectors of election, and the ballot so cast shall be counted at the close of the election: *Provided*, It contains a name or names that could not have been voted with the machine.

Provisions for
voting when
challenged.

SEC. 10. When the right of any person offering to vote is challenged, the inspectors of election shall tender to him such of the oaths required by the election laws of the State as he may claim to contain the grounds of his qualifications to vote, and if said board shall decide that said person is a qualified voter he shall cast his vote with the machine, but if said board shall not decide that he is a qualified voter he may have the right to cast a ballot in the manner provided in section nine of this act for voting for irregular candidates. If at any time during an election the voting machine is disabled and cannot be repaired and no other voting machine can be had to supply its place the voting thereafter at that election shall be by ballot in the manner provided in section nine of this act.

Method of
canvassing
vote.

SEC. 11. Immediately after the closing of the polls the inspectors of election shall partly close the door of the machine, remove the panel at the left side, and canvass the vote in the following manner. A canvassing sheet shall be prepared showing the date and locality in which the election was held, and having space sufficient to contain the names of all candidates for the several offices in a column and of sufficient width to write in full, in both words and figures, the number of votes received by each. On the first line devoted to the names of offices and candidates shall be written or printed the name of the office being voted for on the upper slide, and the words "no choice." On the next line below the name of the candidate for that office of the party having first place on the ticket, on the next line below the name of the candidate of the party having second place, and in this order until all the names of candidates for that office are recorded, and on the next line below the total vote for that office. Below this shall be placed the names of the candidates for the office being voted for on the second slide in the same order and of all other candidates for all other offices being voted for in the same order. One inspector shall read the names of the offices and candidates from said canvassing sheet in the order in which they are written or printed thereon, commencing at the upper line, and as the names are called another inspector in the presence of representatives of the several political parties shall read the figures shown by the register wheel to be the number of votes cast for each of the candidates.

Totals on
machine to
be compared
with poll list.

SEC. 12. Immediately after canvassing the vote and before leaving the machine, the inspectors shall add the total vote as to each office and ascertain if the totals thus obtained agree

with the whole number of voters as shown by the machine and the poll list, and if there shall be a discrepancy shall again canvass the vote as to the office in which the discrepancy occurs.

SEC. 13. As soon as the canvass of the vote has been proved correct, the result shall be announced and the number of votes received by each candidate shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement in triplicate showing the whole number of votes, the names of the persons for whom such votes given for each office were given, and the number each person received. Such statement when certified by the inspectors and duly signed, shall be disposed of as is provided by the election laws of the State.

Result of canvass to be announced and triplicate statement prepared.

SEC. 14. The provisions of the election laws of the State not inconsistent with the provisions of this act shall apply to all townships, villages and cities that use the Abbott voting machine.

General laws to govern when not inconsistent.

SEC. 15. Nothing in this act shall prevent the use of more than one machine at one election precinct during an election.

Number of machines may be used.

Approved March 26, 1897.

[No. 39.]

AN ACT to amend section two of an act entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp meetings, for meetings of assemblies or associations and societies organized for intellectual and scientific culture, and for the promotion of the cause of religion and morality, or for any or all of such purposes," approved March twenty-nine, eighteen hundred and eighty-nine, being chapter one hundred and twenty *d*, volume three of Howell's annotated statutes as amended by act number one hundred and sixteen of the public acts of eighteen hundred and ninety-five.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp meetings, for meetings of assemblies or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any or all such purposes," approved March twenty-nine, eighteen hundred and eighty-nine, being chapter one hundred and twenty *d*, volume three, of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Section amended.

What articles association to state.	SEC. 2. The persons so associating shall sign articles of association which shall state:
Corporate name.	<i>First</i> , The corporate name of the association;
Names and residences.	<i>Second</i> , The names and residences of the persons thus associating;
Purposes.	<i>Third</i> , The purpose or purposes of such association;
Number of trustees.	<i>Fourth</i> , The number of trustees to manage the business of the association and their terms of office, also the names of trustees for the first year or until the annual meeting of the association;
Real estate.	<i>Fifth</i> , The county in which its real estate shall be situate and its meetings held;
Term of existence.	<i>Sixth</i> , The term of its existence, which shall not exceed thirty years;
Who may be eligible.	<i>Seventh</i> , They may also state therein the qualifications of persons eligible to the office of trustee and the terms and conditions of membership, and such other provisions for the management of the business, and the disposition of the real and personal property of the association, as they may desire, not inconsistent with the provisions of this act and the laws of this State. The persons so associating may, by a majority vote, provide for capital stock, in which case the articles of association shall state the amount thereof, which shall not exceed fifty thousand dollars, in shares of twenty-five dollars each. Any corporation or association heretofore organized under any other law of this State, for the purposes named in this act, may, by a majority vote of the stock represented at any annual meeting thereof, reorganize under the provisions of this act.
Amount of capital stock.	
How corporation may re-organize.	
	This act is ordered to take immediate effect.
	Approved March 26, 1897.

[No. 40.]

AN ACT to repeal act number two hundred and twenty-seven of the session laws of eighteen hundred and seventy-nine, being an act to provide for the collection of the social statistics of Michigan and to provide for the publication of said statistics.

Act repealed.	SECTION 1. <i>The People of the State of Michigan enact</i> , That act number two hundred and twenty-seven of the session laws of eighteen hundred and seventy-nine, being "An act to provide for the collection of the social statistics of Michigan and to provide for the publication of said statistics, together with the statistics to be taken by the authority of the United States in the year eighteen hundred and eighty," approved May twenty-four, eighteen hundred and seventy-nine, be and the same is hereby repealed.
	Approved March 26, 1897.

[No. 41.]

AN ACT to repeal act number seventy of the session laws of eighteen hundred and seventy-five, being an act supplemental to an act entitled "An act to provide for the collection of statistical information of the insane, deaf, dumb, and blind, of this State, etc."

SECTION 1. *The People of the State of Michigan enact, That* Act repealed.
act number seventy of the session laws of eighteen hundred and seventy-five, being an act supplemental to an act entitled "An act to provide for the collection of statistical information of the insane, deaf, dumb, and blind in this State, etc.," being compiler's section number eight hundred and fifty of Howell's annotated statutes, be and the same is hereby repealed.

Approved March 26, 1897.

[No. 42.]

AN ACT to provide for the treatment of the children of indigent poor people that are afflicted with any curable malady or deformity at birth, and to provide for the expenses thereof.

SECTION 1. *The People of the State of Michigan enact, That* Physician to report deformity of children at birth.
it shall be the duty of any physician in attendance at the birth of any child of any indigent poor person in the State of Michigan, which child shall be afflicted with any deformity or malady that may be cured by a surgical operation, immediately to report the same in writing to the mayor of the city or village, or the president of any village, or to the supervisor of any township wherein said child was born, together with the malady or deformity of which said child is afflicted and his opinion as to whether or not said deformity or malady may be cured by a surgical operation.

SEC. 2. It shall be the duty of such supervisor, mayor or president upon receipt of such notice from such physician, in case the attending physician shall certify that in his opinion the malady is curable, to provide transportation for such child and attendant to the University of Michigan. And said attending physician may designate to which hospital at said University, the patient may be sent for treatment. Children may be sent to University hospital.

SEC. 3. It shall be the duty of the dean of the medical department of the University [of Michigan] upon receiving such child, to provide for such child such cot or bed or room or rooms in the hospital designated by the attending physician aforesaid and he shall also assign or designate what physician University to supply quarters and suitable physician.

or surgeon then in the employment of the University of Michigan who, in the judgment of such dean, is most skillful in the treatment of the deformity or malady in each particular case, to the care and treatment of such child, and the physician or surgeon thus designated shall proceed with all proper speed to perform such operation and bestow such treatment upon such child as in his judgment shall be proper.

No compensation to be allowed.

SEC. 4. No compensation shall be charged or allowed to the dean of said medical faculty or to the physician or surgeon or nurse who shall treat [said] any child other than the salary they respectively receive from the board of regents of the University of Michigan.

Hospital steward to keep account of actual expenses, and file affidavit of amount.

SEC. 5. The hospital steward or other person in actual charge of said hospital wherein said child shall be confined for treatment in manner aforesaid, during the time such child shall be confined in said hospital, shall keep an accurate account of the medicines and nursing furnished to said child, and the person keeping the same, and upon its discharge from said hospital, shall furnish it transportation from the University of Michigan to the place from which it was received, and shall make and file with the said dean of the said medical department an affidavit containing an itemized statement as far as possible, of the actual expenses incurred at said hospital at said University, in the treatment, nursing and transportation of said child as hereinbefore provided.

Amount to be certified to Auditor General and credited University.

SEC. 6. Upon filing said affidavit with said dean, it shall be the duty of said dean forthwith to draw an order on the Treasurer of the State of Michigan for the amount of such expenditure and forward the same, together with the affidavit aforesaid to the Auditor General of the State of Michigan. It shall be the duty of the Auditor General upon receipt thereof, to credit the amount thereof to the University of Michigan and to include the same in his warrant next thereafter drawn by him for University purposes.

To be included in next warrant.

Annual report to Governor.

SEC. 7. It shall be the duty of the dean of said medical faculty of the University to annually report to the Governor of the State of Michigan the number of cases treated, the cause or disease treated and the result of the treatment.

Penalty.

SEC. 8. If any person or persons shall neglect or refuse to comply with the provisions of this act he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars or more than five hundred dollars or by imprisonment in the county jail not less than ten days or more than ninety days, or both such fine and imprisonment in the discretion of the court.

Approved March 26, 1897.

[No. 43.]

AN ACT to provide for the analysis of water in use by the public in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That in any case where any city, village or township in this State shall be supplied with water for domestic uses by any individual, company or corporation, city or village, or where there is within such city, village or township any water in swales, wells, rivers or other places, which might be the cause of disease or epidemic, a sample of such water may be sent to the University of Michigan for analysis by the mayor of such city or village, or the president of such village, or by any alderman or trustee of such village, or by the supervisor of any such township, upon the resolution of the common council of such city, or board of trustees of such village, or the township board of such township, for that purpose duly passed.

Water may be sent to University for analysis.

SEC. 2. Upon receipt of such sample the regents of the University of Michigan shall cause a correct analysis of such sample of water to be made, and a correct statement of the properties contained therein, with a further statement whether or not such sample contains any substance deleterious to health, and return such analysis together with the statement aforesaid to the person so sending the same, free of charge except the actual cost of materials and animals used in making such analysis and experiment.

University to make analysis free except necessary expenses.

SEC. 3. It shall be the duty of the board of regents of the University of Michigan to cause a record to be kept of every sample of water received under and by virtue of this statute, and in no case shall a second analysis be required of the same water within one year except in case of the breaking out of some disease among the consumers of such water, and then only upon the certificate of at least two physicians engaged in active practice in that community that in their opinion such disease arises from the use of said water.

University to keep record of samples and analysis.

Approved March 26, 1897.

[No. 44.]

AN ACT to amend sections twenty-three and twenty-four of act number one hundred thirty-five of the public acts of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof, and of the inmates therein, and to repeal act one hundred sixty-four, laws of eighteen hundred and fifty-nine, also act one hundred ninety-four, laws of eighteen hundred and seventy-seven, also act ninety-one, laws of eighteen hundred and seventy-three, and the acts amendatory thereto, also act one hundred seventy-two, laws of eighteen hundred and seventy-three," approved June third, eighteen hundred and eighty-five.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-three and twenty-four of act number one hundred thirty-five of the public acts of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof, and of the inmates therein, and to repeal act one hundred sixty-four, laws of eighteen hundred and fifty-nine, also act one hundred ninety-four, laws of eighteen hundred and seventy-seven, and also act ninety-one, laws of eighteen hundred and seventy-three, and the acts amendatory thereto, also act one hundred seventy-two, laws of eighteen hundred and seventy-three," be and the same is hereby amended so as to read as follows, to wit:

Application to
send indigent
insane to
asylum.

Probate judge
to notify in-
sane person
and summon
guardian.

To call two
physicians.

May appoint
guardian ad
litem.

SEC. 23. When a person in indigent circumstances and not a pauper becomes insane, application may be made in his behalf to the judge of probate of the county where said insane person shall be at the time such application is made and said judge of probate shall immediately notify such alleged insane person of such application and of the time and place of hearing to be held thereon and shall also summon to appear before him at the same time the guardian, if such alleged insane person have a guardian, also such relatives as are legally liable for the support of such person, which summons may be served in any county of the State, and shall also notify any person having said alleged insane person in charge or custody, and shall also call two legally qualified physicians, and in his discretion other credible witnesses, and also immediately notify the prosecuting attorney of the county and the supervisor of the township, or the supervisor or alderman of the ward in which said insane person resides, if his residence is in said application claimed to be in the said county of the time and place of such hearing, whose duty it shall be to attend said examination and act in behalf of said county, and said judge of probate may appoint a guardian *ad litem* to represent such

insane person upon said hearing and said judge of probate shall fully investigate the facts in the case and may summon a jury at his discretion. He shall summon a jury whenever requested by such alleged insane person, or by any relative legally liable for his support or by the prosecuting attorney of the county, and either with or without the verdict of the jury as the case may be, shall determine the question of insanity and also the question of indigence, but this decision as to indigence shall not be conclusive; and if the judge of probate after such hearing, shall certify that satisfactory proof has been adduced showing that such person is insane and his estate insufficient to support him and his family, or if he has no family, himself, under the visitation of insanity, on his certificate under seal of the probate court of said county, he shall be admitted into the asylum and supported therein at the expense of the county to which he belongs until he shall be restored to soundness of mind, if effected within two years, or until otherwise ordered; or at the expense of the State, if the judge of probate shall find that such insane person has no legal settlement in any county in this State or is unable to find from the evidence where that settlement is, provided the said insane person is a citizen of the State, and the judge of probate shall in no case grant such certificate until fully satisfied of the indigence of such insane person. If it shall appear on said hearing to said judge of probate that such indigent insane person has relatives legally liable for his support, said judge of probate shall also at the said hearing or at some adjourned day thereof, investigate fully as to the financial ability of such relatives of said insane person as are legally liable for his support. If said judge of probate shall be satisfied on such hearing that said insane person has relatives legally liable for his support who are able to contribute to the support of such insane person, he may make an order requiring the payment by such relatives of such sum or sums as said probate judge may find they are reasonably able to pay, not exceeding, however, in all the sum of two hundred dollars per year. Said order shall require the payment of such sums to the county treasurer of such county and may require such payments to be made annually, semi-annually or quarterly as the said judge may direct. Said probate judge shall furnish the said county treasurer of said county a copy of such order and it shall be the duty of the county treasurer to collect the sums therein named, and to turn the same into the county treasury so long as such patient is a county charge, and when such patient becomes a State charge, to pay over the moneys so collected by him quarterly to the State Treasurer. If such relatives so ordered to pay shall neglect or refuse so to do, the county treasurer shall notify the superintendent of the poor of said county, and also shall notify the prosecuting attorney of the county of such neglect or refusal and said prosecuting attorney shall proceed by action to be brought in the name of the superintendents

To summon jury on request.

Person to be admitted to asylum.

To be supported at expense of his county.

When to be supported at expense of State.

Probate judge to determine liability of relatives.

May order relatives to pay.

To furnish copy of order to county treasurer.

Provisions for compelling payment.

**Vacating or
modifying
order.**

**Probate judge
may compel
attendance of
witnesses.**

**Conveying in-
sane person
to asylum.**

**Payment of
part of ex-
penses in
asylum.**

**Compelling
guardian to
pay over
money.**

**Probate judge
may commit
indigent in-
sane person to
care of super-
intendents of
the poor.**

of the poor of said county to collect such sum. If any person so ordered to contribute to the support of such insane person shall at any time become unable to pay the sum so ordered, such person may make application to the judge of probate by petition setting forth the facts; said judge shall hear the evidence thereon, and if satisfied that such person is no longer able to contribute such sum may vacate or modify said order.

The judge of probate in any proceeding provided herein shall have power to compel the attendance of witnesses and jurors and shall file the certificates of the physicians taken under oath and other papers in his office and enter the proper orders in the journal of the probate court in his office and he may appoint a proper person or persons to take such insane person to the asylum who shall receive as pay for such services the sum of three dollars per day, together with his necessary expenses, to be paid upon the certificate of the judge of probate under the seal of the probate court by the county treasurer of such county upon presentation to him, and out of the general fund of such county or any other fund available for that purpose. Whenever any person is committed to the asylum on the order of the judge of probate as an indigent insane person, and it shall also appear to said judge of probate on the hearing thereon that such insane person has an estate, or has any income, annuity or pension which is not sufficient to support him and his family, if he have one, under the visitation of insanity and yet is sufficient to admit of the payment of something thereto, and if it further appears to said judge of probate that such person has no family, or that he has a family whose support and maintenance does not require the whole of such estate, income, annuity or pension, then the said judge of probate may on the hearing had before him wherein the parties interested have been duly cited to appear, as hereinbefore provided, make an order requiring the guardian or other person having control of such estate, income, annuity or pension, to pay the same or such part thereof as said judge of probate shall determine to the county treasurer of such county, to be by said treasurer turned into the county treasury while such insane person is a county charge and into the State treasury when such insane person becomes a State charge, as hereinbefore provided. If such guardian shall neglect or refuse to pay over said moneys to the county treasurer as provided in said order, the said judge of probate shall cite such guardian to appear before him at such time as he may direct to render an account of all moneys or other property in his hands as such guardian, and on his failure to appear or render such account, the said judge of probate may remove such guardian and appoint some other suitable person in his place. The said judge of probate shall thereupon refer the matter to the prosecuting attorney of said county, who shall enforce payment of the sums provided in said order by proper action. The said judge of probate, pending any proceedings taken

to commit any indigent insane person to any asylum in this State, may if it shall appear upon the certificate of two physicians to be necessary and essential so to do, commit such person into the custody of the superintendents of the poor of said county, the sheriff of his county, or to the asylum of the district in which such insane person resides, to be detained until such application can be heard and determined: *Provided*, Proviso. *however*, That the period of such detention shall not exceed in all fourteen days, and all the expenses thereof shall be paid by the county treasurer upon the certificate of the judge of probate under the seal of the probate court out of the general fund of said county, or any other fund available for that purpose. If the probate judge shall at any such hearing find that the person is insane but is not in indigent circumstances, he may make an order admitting such insane person to any asylum in this State, public or private, as a private patient. Insane person may be committed as a private patient. If the probate judge shall find such indigent insane person a State charge, as hereinbefore provided, he shall certify his finding upon the question of settlement to the Secretary of State and to the medical superintendent of the asylum to which said insane person has been sent and the State shall become responsible for the maintaining of said insane person. State charges to be certified to Secretary of State. The judge of probate shall report the result of his proceedings to the supervisors of his county and shall also state in his report all cases in which he has required by order as herein provided for payment by relatives to the support of the insane person, or the application of his estate, income, annuity or pension thereto, and the respective amounts so ordered to be paid. Probate judge and county treasurer to report to supervisors. The county treasurer shall also report to the board of supervisors the amounts collected by him on such orders. It shall be the duty of the board of supervisors at the next annual meeting thereafter to raise money requisite to meet the expenses of support accordingly. The order of the judge of probate shall be in the following form:

STATE OF MICHIGAN, }
County of..... } ss.

Probate court for said county.

At a session of the said probate court holden at the probate office in the.....of....., on the.....day of....., Form of order.
A. D. 18....

Present, judge of probate.

In the matter of....., an indigent insane person (or pauper).

This day having been assigned for hearing the petition now on file in this court.....alleging that....., a of in said county (or that his residence is unknown) is insane, and praying that the said may be admitted to the Asylum for the Insane at, there to be supported at the expense of the county of and

having notified the said insane person and the other persons and officials required by law to be notified of the time and place of hearing said petition, and having filed the certificates taken under oath of and two legally qualified physicians, and having taken the testimony of other credible witnesses, and having inquired into h.. settlement and having fully investigated the facts in the case with..... the verdict of a jury as to the question of insanity, I, the judge of probate in and for said county, do find that the said..... is in indigent circumstances (or a pauper), and certify that satisfactory proof has been adduced showing the said to be insane, and that he has acquired a legal settlement in said county (or that he has not acquired a legal settlement in said county, but that he has a legal residence in the county of in said State, or that his legal residence is unknown), and that his estate is insufficient to support h.. and h.. family under the visitation of insanity.

It is, therefore, ordered that the said be admitted into said asylum and there supported at the expense of the county of until restored to soundness of mind, if effected within two years, and until otherwise ordered, and that said proceedings be reported to the board of supervisors of said county at their next annual meeting.

In testimony whereof, I have hereunto set my hand and affixed the seal of said probate court at, this day of A. D. 18....

[Seal]

.....

Probate Judge.

I hereby appoint and direct to take said to the Asylum for the Insane with full power and authority for that purpose.

.....

Judge of Probate.

Question of indigence may be decided after thirty days.

SEC. 24. When any insane person in indigent circumstances shall have been maintained by his friends in the asylum as a private patient for three months and the superintendent of the asylum shall certify that he is insane and requires further treatment, the judge of probate on application by the friends of such patient shall determine the question of indigence, and also investigate the estate, income, annuity or pension of such insane person and the ability of his relatives legally liable for his support, according to the provisions of the preceding section with or without further evidence of insanity, as in his discretion he may think best, and if the indigence be established, he shall make an order authorizing the admission of such patient into the asylum as a county or State charge according to the provisions of the preceding section, together with such other orders for the application of the estate, income, annuity or pension of such insane person to

his support, and for the payment to the county treasurer for his support by relatives legally liable therefor, as is provided in the preceding section, and shall certify the same to the Secretary of State if he or she is made a State charge, and shall report the same to the board of supervisors, if he or she is made a county charge as required by the preceding section, and the patient as in other cases of indigence shall be supported at the asylum at the expense of the State or of the county to which he or she may belong, as provided in the preceding section until restored, or if a county charge for a period of not exceeding two years.

Approved March 26, 1897.

[No. 45.]

AN ACT to amend section twenty-two of act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, entitled, "An act to provide for a county and township system of roads and to prescribe the powers and duties of the officers having charge thereof."

SECTION 1. *The People of the State of Michigan enact,* That section twenty-two of act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, entitled, "An act to provide for a county and township system of roads and to prescribe the powers and duties of the officers having charge thereof," be and the same is hereby amended to read as follows:

SEC. 22. Whenever the board of supervisors of the county shall by a two-thirds vote of all the members elect resolve to contract indebtedness or issue bonds to raise money for the construction and maintenance of county roads the question shall be submitted to a vote of the electors of the county at a general or special election to be called for that purpose. Notice of the submission of such resolution to the vote of the electors and in case a special election is called notice of the calling of such special election shall be given in the same manner and for the same length of time as now prescribed by law. If a majority of the electors voting on such resolution shall vote in favor thereof it shall be deemed to have carried: (*Provided*, That in Delta county such resolution shall not be deemed carried unless two-thirds of those voting on such proposition vote in favor of such resolution.) The manner of stating the question upon the ballots shall be prescribed by the resolution of the board of supervisors. No bond or evidence of indebtedness shall be negotiated at less than par and the accrued interest. All money raised by the board of supervi-

Secretary of
State to be
notified of
State charge.

Amending
section.

Supervisors,
two-thirds
vote required
to issue bonds.

Notice of
election, when
resolution
carried.

Proviso in
Delta county.

Manner of
stating ques-
tion on ballot.

sors for the construction and maintenance of county roads shall be expended under the direction of the board of county road commissioners.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 46.]

AN ACT to amend section three of an act entitled "An act to provide for the payment of a franchise fee by corporations," being act number one hundred and eighty-two of the public acts of Michigan for eighteen hundred and ninety-one, as amended by acts number seventy-nine of the public acts of eighteen hundred ninety-three and number ninety-one of the public acts of eighteen hundred ninety-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number one hundred and eighty-two of the public acts of eighteen hundred ninety-one, entitled "An act to provide for the payment of a franchise fee by corporations," be and the same is hereby amended so as to read as follows:

Fees to be ap-
plied to pri-
mary school,
university
and educa-
tional funds.

SEC. 3. The fees collected under the provisions of this act shall be paid into the State treasury and shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt other than the amounts due to educational funds, when such specific taxes shall be added to and constitute a part of the primary school interest fund, as provided in section I. of article XIV. of the constitution of Michigan.

Approved March 26, 1897.

[No. 47.]

AN ACT to provide for the commencement of suits in this State on bonds provided by law to be filed in probate courts in the county where such bonds are filed for the service of process in any part thereof to be commenced.

SECTION 1. *The People of the State of Michigan enact*, That all suits commenced in this State by order of any probate court upon any bond required by law to be filed with such court, shall be commenced in the county where such bond is, or may be filed, and any process issued out of the circuit court for said county in such suit may be served in any part of this State.

Suits commenced by order of judge of probate to be in county where bond is filed.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 48.]

AN ACT to provide for the encouragement of the manufacture of beet sugar and to provide a compensation therefor and to make an appropriation therefor.

SECTION 1. *The People of the State of Michigan enact*, That there shall be paid out of the State treasury to any person, firm or corporation engaged in the manufacture in the State of Michigan of sugar from sugar beets grown in the State of Michigan, one cent per pound upon each and every pound of sugar so manufactured under the conditions and restrictions hereinafter provided.

Bounty to be paid manufacturers of beet sugar.

SEC. 2. No money shall be paid for sugar so manufactured unless such sugar shall have been so manufactured in this State and from beets grown in the State of Michigan, and unless such sugar shall contain at least ninety per cent crystallized sugar, and the manufacturer shall produce good and sufficient receipts and vouchers to show that at least four dollars per ton of twenty hundred pounds has actually been paid for all beets purchased containing twelve per cent of sugar, said twelve per cent being the basis for valuation of the purchase price of four dollars per ton. The quantity and quality of sugar upon which all of said bounty is claimed shall be determined by the Commissioner of the State Land Office with whom all claimants shall from time to time file verified statements showing the quantity and quality of sugar so manufactured by them, the price paid the producer for the beets actually produced in this State, upon which said bounty is claimed.

Beets to be grown in this State.

Percentage of sugar required.

Price to be paid for beets.

Commissioner of State Land Office to determine amount of bounty.

SEC. 3. The persons, firms or corporations so intending to engage in the manufacture of beet sugar in this State shall, before commencing the same file a statement with the Commissioner of the State Land Office setting forth their proposed undertaking, the capacity of their manufactory, the number of tons of beets they intend to manufacture per annum, and request said Commissioner of the State Land Office to appoint a suitable weighman and inspector as hereinafter provided.

Manufacturers to file statement with Commissioner of State Land Office.

Commissioner of State Land Office to appoint weighman and inspectors.

SEC. 4. It shall be the duty of the Commissioner of the State Land Office to appoint a resident weighman and inspector and such assistants as may be necessary in each town where it shall appear to him from the application of the persons, firms or corporations so engaged or intending to engage in the manufacture of beet sugar, that such weighman and inspector is needed, and in all cases where the output of persons, firms and corporations engaged in the manufacture of beet sugar in this State shall aggregate or exceed two thousand pounds per day, and such weighman and inspector shall weigh all beets received by such persons, firms or corporations engaged in the manufacture of beet sugar, and keep an accurate account of the same with each and every purchaser of sugar beets and make such examination and test as to the quantity and quality of the sugar so manufactured as he may deem proper in arriving at the standard of sugar in each town, so manufactured by such persons, firms or corporations. The sugar thus manufactured shall under the direction of said weighman and inspector be placed in original packages which shall be examined, weighed and branded by him by a suitable brand showing the quantity and quality contained in each of said packages of which an accurate account shall be by him filed in the office of the Commissioner of the State Land Office.

Sugar to be placed in original packages and branded.

Fees of weighman and inspectors.

SEC. 5. The compensation and fees for such services, above provided for to be performed by said weighman and inspector and assistants shall not exceed one-eighth of one cent per pound for the beet sugar so examined, weighed and branded by him, nor shall they receive to exceed the sum of three dollars per day for any one day's service actually performed as such weighman and inspector or assistant. He shall give a bond with good and sufficient sureties in the sum of not less than two thousand dollars to the State of Michigan, contingent upon the faithful performance of his duties, said bond to be approved by the Secretary of State; and he shall also take, subscribe and file in the office of the Secretary of State the constitutional oath of office. The said fees of compensation together with the cost of said brand and all analyses that the said weighman and inspector shall be required to make shall be borne and paid by the persons, firm or corporation claimant of said money; the said weighman and inspector shall perform all duties pertaining to his position in an impartial manner, and shall furnish and file with the Commissioner of the State Land Office, also with the manufacturer of said beet sugar, a monthly statement in duplicate of all sugar so manufactured by said person, firm or corporation. The said weighman and inspector shall, upon receipt of beets at such manufactory, select such samples of beets as he deems fair and equitable, and shall keep an accurate record of the gross weight of said samples, and shall estimate the per cent of said gross weight to be deducted therefrom as a reasonable and fair allowance for dirt and dockage, and he shall also test, or cause to be tested, said samples to ascertain the true per

Weighman and inspectors to file bond and oath in office of Secretary of State.

Expense of weighman and inspector to be borne by manufacturer.

Weighman and inspector to make monthly report.

To determine weight and percentage of sugar.

cent of sugar they contain, and make a record of the same. All beets from which samples have been taken shall be promptly weighed, and an accurate record of the gross weights of the same shall be kept, also of the number of pounds to be deducted for dirt and dockage as fixed by the per cent of dirt and dockage of the samples, and also of the pounds net weight so obtained, and said net weight and the per cent of sugar as determined by the test of the samples shall be the basis of settlement between the buyer and seller, and in order to obtain the bounty provided by this act the buyer must pay at least four dollars per ton for beets containing twelve per cent of sugar, and a sum proportionate to that amount shall be paid for beets containing a greater or less per cent of sugar.

SEC. 6. When any claim arising under this act is filed, verified and approved by the Commissioner of the State Land Office as hereinafter provided, he shall verify the same to the Auditor General of the State, who shall draw a warrant upon the State Treasurer for the amount thereof payable to the person, firm or corporation to whom said sum or sums are due.

Claims to be paid on warrant of Auditor General.

SEC. 7. That the sum of ten thousand dollars be and the same is hereby appropriated from the general fund in the State Treasury not otherwise appropriated to be known as the beet sugar fund, and to be expended under the direction of the Commissioner of the State Land Office as herein provided and the money for payment under this act shall be drawn from the State treasury on the requisition of the Commissioner of the State Land Office, which shall be presented to the Auditor General who shall draw his warrant on the State Treasurer therefor, and the Auditor General shall incorporate in the State tax for the year eighteen hundred and ninety-seven the sum of five thousand dollars, and for the year eighteen hundred and ninety-eight a like sum of five thousand dollars to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum when collected, shall be placed to the credit of the general fund to reimburse it for the sum herein appropriated: *Provided*, That if the amount of bounty shall exceed the amount of ten thousand dollars for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight; that the deficit be paid from the general fund not otherwise appropriated.

Appropriation.

SEC. 8. Every person, firm or corporation that shall erect and have in operation in this State a factory for the manufacture of sugar from beets with a capacity of two thousand pounds of sugar or upwards per day while this act is in force shall be entitled to receive from the State the sum of one cent per pound for all sugar manufactured from beets at such factory for a period of at least seven years from the taking effect of this act.

Bounty to be paid for seven years.

Approved March 26, 1897.

[No. 49.]

AN ACT to amend an act entitled "An act to provide for the incorporation of Slack Water Navigation companies, for the improvement of rivers in the counties of St. Joseph, Cass, Berrien and Cheboygan and defining their powers and duties." Approved March twenty-five eighteen hundred and sixty-seven, and being act number four hundred and eleven of the session laws of eighteen hundred and sixty-seven, as amended by act number one hundred and ten of the session laws of eighteen hundred and seventy-one, approved April thirteen, eighteen hundred and seventy-one, by adding thereto two new sections to stand as sections twenty-four and twenty-five.

Act amended. SECTION 1. *The People of the State of Michigan enact*, That act number four hundred and eleven of the session laws of eighteen hundred and sixty-seven entitled "An act to provide for the incorporation of Slack Water Navigation companies for the improvement of rivers in the counties of St. Joseph, Cass, Berrien and Cheboygan and defining their powers and duties," approved March twenty-five, eighteen hundred and sixty-seven, as amended by act number one hundred and ten of the session laws of eighteen hundred and seventy-one, approved April thirteen, eighteen hundred and seventy-one, be and the same is hereby amended by adding thereto two new sections to stand as sections twenty-four and twenty-five and to read as follows:

How corporation may renew corporate existence.

Term of existence.

When corporation may renew by special meeting.

Term of existence. Upon adoption of resolution, corporation deemed organized.

SEC. 24. It shall be lawful for any corporation heretofore or hereafter organized under the provisions of this act, and whose corporate existence is about to terminate by limitation of law, at its annual meeting next preceding such termination, or at a special meeting called for that purpose to be held within one year immediately preceding the date of such termination, by a vote of two-thirds of its capital stock, to direct the continuance of its corporate existence for such further term not exceeding thirty years as may be expressed in a resolution passed for that purpose. And in the event that the term of any corporation organized under the provisions of this act shall have expired by limitation of law before the adoption of such resolution of extension, then in that case it shall be lawful for any such corporation, at a special meeting called for that purpose, pursuant to the provisions of this act and the by-laws of the corporation, at any time within one year from the date of such termination, by a vote of four-fifths of its capital stock, to provide for and direct the reorganization of the corporation and the continuance of its corporate existence for such further term not exceeding thirty years, as may be expressed in a resolution passed for that purpose. Upon the adoption of the resolution and either thereof, as provided herein, the corporate existence of such corporation shall be

extended for the term provided in such resolution, and the adoption of such resolution shall be deemed a reorganization of the corporation, and it shall succeed to all the rights and be subject to all the liabilities of the corporation so reorganized. A certified copy of the resolution adopted by the stockholders as herein provided, duly certified by the secretary of the corporation shall be filed in the office of the Secretary of State, and with the clerk of the county within which the corporation has its office for the transaction of its business, and by them recorded in their respective offices at the expense of the corporation.

Copy of resolution to be deposited in office of Secretary of State.

SEC. 25. When there shall be present at any regular or special meeting of any corporation organized under the provisions of this act, all of the stockholders of such corporation, either in person or by proxy, no previous notice of such meeting shall be necessary.

When previous notice of meeting not necessary.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 50.]

AN ACT to allow the spearing of fish.

SECTION 1. *The People of the State of Michigan enact*, That it shall hereafter be lawful in the months of December, January, February and March in each year to take, catch or kill through the ice by the use of a spear, any or all kinds of fish, except brook trout, rainbow trout, German or brown trout, grayling, land-locked salmon and black bass in any or all of the inland lakes and streams of this State, including Lake St. Clair and that part of the St. Clair River below the village of Algonac in St. Clair county, the channels through which said river empties into Lake St. Clair, and other channels and bayous comprising the waters of said lake: *Provided*, That all waters, lakes and streams in this State except Maple river below its entrance into Gratiot county which are now protected from spearing by any local act of the legislature of this State shall be exempt from the provisions of this act.

Lawful to spear fish between December and March of each year.

Certain fish to be excepted.

Where spearing to be allowed.

Waters exempt from provisions of this act.

SEC. 2. All acts or parts of acts in any way contravening the provisions of this act are hereby repealed.

Acts contravening repealed.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 51.]

AN ACT to amend an act entitled "An act to amend section one of act seventy-seven of the session laws of eighteen hundred and sixty-nine, entitled 'An act relative to life insurance companies transacting business within this State, approved March thirtieth, eighteen hundred and sixty-nine, being compiler's section two thousand nine hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, section one, chapter one hundred and thirty-one of Howell's annotated statutes of Michigan, as amended by act approved January twenty-seventh, eighteen hundred and eighty-five.' "

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act seventy-seven of the session laws of eighteen hundred and sixty-nine, entitled "An act in relation to life insurance companies transacting business within this State, approved March thirtieth, eighteen hundred and sixty-nine, being compiler's section two thousand nine hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one; section one, chapter one hundred and thirty-one of Howell's annotated statutes of the State of Michigan, as amended by act approved January twenty-seventh, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Number who
may associate
for purpose of
life insurance.

Further pur-
poses of asso-
ciation.

Provisions for
reinsurance.

Fire and
marine insur-
ance prohib-
ited.

SECTION 1. That any number of persons not less than thirteen may associate together to form an incorporated company for the purpose of making assurance upon the lives of individuals, and of every insurance pertaining thereto, and to grant, purchase and dispose of annuities. Also against accidental injuries and death by accident. The indemnity of employers against injury to or death by accident of their employes. The insurance of plate glass, damage to property, and injury or death of persons occasioned by the explosion of steam boilers, and the insurance of persons holding positions of public or private trust. Every company organized under this act shall have authority to reinsure any risk hereafter authorized to be undertaken by them, and to grant reinsurance upon any similar risk undertaken by any other company, but shall not have power to undertake marine and fire risks, or any other species of insurance whatever, except upon lives, or to be in any way connected in their business with any company undertaking other risks than upon the lives of individuals, except as herein provided. The provisions of this section shall apply to any company heretofore organized or that may hereafter be organized under its provisions, for the purpose of insuring the lives of individuals, or for the purpose of paying indemnities for accidental injuries.

Approved March 26, 1897.

[No. 52.]

AN ACT authorizing the incorporation of homes for aged,
infirm or indigent men or women.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, being citizens of this State, may organize a corporation for the purpose of founding and establishing a home for the care and support of aged, infirm or indigent men or women within this State.

Number re-
quired to in-
corporate.

SEC. 2. Upon there being subscribed as a donation for the benefit of any such proposed home two thousand five hundred dollars the subscribers thereto may meet and elect a board of directors not less than five or more than thirty-five in number, who shall be citizens of the State of Michigan, and when ten per cent of the amount so subscribed shall have been paid to the said directors, such directors may thereupon execute articles of association in duplicate, and file one duplicate in the office of the Secretary of State and one duplicate in the office of the clerk of the county wherein such home shall be located, and the same shall be recorded at length in said county clerk's office; and thereupon, such board of directors and their successors shall become a body politic and corporate. Such directors shall be elected in three classes, equal or as near equal as may be in number to each other respectively, to hold office for one, two and three years respectively, and until their respective successors shall be elected and qualified; and thereafter during the existence of such corporation, successors to such directors shall be elected by the board of directors at the annual meeting of such board in such manner as shall be provided by the articles of association, to hold office for three years and until their respective successors shall be elected and qualified. And in case of vacancy in such board by death, resignation or otherwise, the board of directors shall fill such vacancy by election for the unexpired term: *Provided*, That all directors shall be citizens of the State of Michigan, and shall respectively, before they shall enter upon their duties, be approved by the Governor of the State of Michigan, and in case of the failure of the Governor to approve or disapprove of any such director for thirty days after notice of the election thereof he shall be deemed to have approved of such director. And in case the Governor shall disapprove of such director within the thirty days hereinbefore provided it shall be the duty of the board of directors to call a new election for the purpose of filling any vacancy caused by the disapproval of the Governor.

When amount
subscribed,
subscribers
may elect a
board of
directors.

Articles of
association,
where filed.

To be a body
politic.

Vacancy in
board of di-
rectors, how
filled.
Provido as to
citizens.

Time of
approval by
Governor.

SEC. 3. Such articles of association shall contain the name, character and object of the corporation, which object shall be to provide a home for the care and support of aged, infirm or indigent men or women; the place where the same is located, and the period for which it is incorporated, which shall not

What articles
of association
to contain.

Number of directors.

exceed thirty years; the number of the board of directors, which shall not be less than five or more than thirty-five; the names of the original directors and the periods for which they are respectively elected and the manner in which the succeeding directors shall be elected; and such articles of association shall specify such other officers of the corporation as shall be deemed necessary and the time of holding the annual meeting of the corporation; and shall also specify the kind of security or securities in which the funds of the corporation shall be invested.

Powers of corporation.

SEC. 4. Such corporation shall have power besides the general powers of a corporation:

First, To sue and be sued in the corporate name of such corporation and suit may be commenced against said corporation and process served thereon in the manner provided by section eight thousand one hundred and thirty-seven, third volume Howell's annotated statutes;

To hold property.

Proviso as to time of holding.

Second, To take and hold by gift, grant, bequest, devise or otherwise, any real or personal property for the purposes mentioned in this act: *Provided*, That said corporation shall not hold any lands for a longer period than ten years, except such as may be necessary for the direct and reasonable use and convenience of its home;

May convey property.

Third, To sell, convey, lease, invest or otherwise use such property in such manner as it shall deem most conducive to its interests;

May erect buildings.

Fourth, To erect and maintain from time to time such building or buildings as it shall deem expedient for the uses of such corporation;

To direct rules for management of home.

Fifth, To direct and prescribe general rules for the care and management of such home, and for the admission and dismissal of inmates and the conduct of inmates therein;

To employ matron, etc.

Sixth, To appoint and employ matrons, overseers, nurses, physicians and such other officers and persons as may be deemed necessary and to dismiss the same at pleasure;

To fix salaries of officers and employes.

Seventh, To ascertain and fix all salaries for all officers and employes: *Provided*, That the directors of such association shall not receive any compensation for services rendered by them either as board or otherwise.

How funds to be used.

SEC. 5. All the funds of the corporation shall be faithfully and exclusively used for the purposes thereof as set forth in its articles of association, and shall be wholly used in this State.

Property to be exempt from taxation.

SEC. 6. The property of such association on which their home or institution buildings shall stand, and which is actually, wholly and necessarily used for such home or institution, shall be exempt from taxation.

Directors to make annual statement of affairs.

SEC. 7. Such corporation shall, on or before the first day of February in each year, make and exhibit a full statement of its affairs in duplicate, on oath of at least five (5) of its directors, which shall contain the name of the corporation and the place where it is located, the names of the board of directors

of such corporation, and their places of residence the description and value of all the real estate owned by said corporation, and the description and value of all the real estate actually and exclusively used for the purposes of the corporation; also a detailed statement of all other property, securities and effects belonging to such corporation and how and where the same is located or invested, and also a detailed statement of all its liabilities and both such duplicates shall be deposited in the office of the Secretary of State, and the Secretary of State shall carefully examine such statements and if they shall be found to comply with the requirements of this section he shall file one of them in his office and shall transmit the other by mail to the clerk of the county in which such home shall be located; and the said county clerk shall thereupon file the same in his office: *Provided*, That the Secretary of State may at any time, when he shall deem it advisable, require such statement to be made. And for neglect to furnish and file such statement on or before the first day of February in each year, or at any other time when required by the said Secretary of State, within thirty days after service of notice of such requirement, the directors so neglecting shall be liable to a penalty of one hundred dollars each, to be recovered by an action of debt in the name of the people of the State of Michigan. And in case of any such forfeiture or liability the Attorney General upon requisition of the Secretary of State, shall prosecute and recover the penalty herein before provided, and when recovered pay the same into the State treasury to the credit of the primary school fund.

Statement to be deposited in office of Secretary of State.

Proviso as to statement.

Penalty for neglect to file statement.

On failure Attorney General to prosecute.

SEC. 8. The directors at their annual meeting may amend such articles of association in such manner as shall be in accordance with the provisions of this act by a vote of not less than two-thirds of all the directors. In case of such amendment the directors shall within ten days thereafter file duplicate copies thereof, duly certified with the Secretary of State and the clerk of the county in which such institution is located, and such amendment shall be recorded at length in the said county clerk's office.

How articles of association may be amended.

Amended articles to be filed in office of Secretary of State.

SEC. 9. Each director of any corporation organized under this act, shall, before entering upon the discharge of his duties as such director, execute a bond in the penal sum of one thousand dollars, with two or more sureties to be approved by the probate judge or circuit judge in the county where said proposed home is to be located, for the faithful discharge of his duties as such director, and each of the other officers of any such corporation shall, before entering upon the discharge of his duties, execute a bond to be approved as above, in the penal sum of at least five thousand dollars, and in the penal sum of at least twice the amount, as found by the board of

Bond of directors.

Approval of bond.

directors, that shall at any time be in his hands or under his control as such officer.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 53.]

AN ACT to regulate taxation of costs in malicious prosecution.

Costs taxed in
case of mali-
cious prosecu-
tion.

SECTION 1. *The People of the State of Michigan enact, That* in all cases of malicious prosecution begun in this State, where the recovery is less than one hundred dollars, the total amount of costs taxed shall not exceed the amount of the verdict.

Approved March 31, 1897.

[No. 54.]

AN ACT to amend section twenty-one (21), chapter seven (7), of act number three (3) of the public acts of eighteen hundred ninety-five (1895), approved February nineteenth, eighteen hundred and ninety-five (1895), entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-one (21) of chapter seven (7) of act number three (3) of the public acts of eighteen hundred and ninety-five (1895), entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," be and the same is hereby amended so as to read as follows:

To regulate
the planting
of trees in
highways.

SEC. 21. The council may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the village, and for the protection thereof, and the trimming of all trees in or that overhang such highway, streets, or avenues, or which obstruct public lighting, and may light the streets and public places, and regulate the setting of lamps and lamp posts therein and protect the same.

Approved March 31, 1897.

[No. 55.]

AN ACT to amend section five of act number one hundred seventy-six of the public acts of one thousand eight hundred and ninety-five, entitled "An act empowering the Governor and Board of State Auditors to authorize the rebuilding or repair of any building owned by the State of Michigan which may at any time be destroyed or damaged by fire, explosion or other accident, and the purchase of property to take the place of any property of the State lost, damaged or destroyed by any such fire or accident, and making a contingent appropriation therefor."

SECTION 1. *The People of the State of Michigan enact*, That section five of act number one hundred seventy-six of the public acts of one thousand eight hundred and ninety-five, entitled "An act empowering the Governor and Board of State Auditors to authorize the rebuilding or repair of any building owned by the State of Michigan which may at any time be destroyed or damaged by fire, explosion or other accident, and the purchase of property to take the place of any property of the State lost, damaged or destroyed by any such fire or accident, and making a contingent appropriation therefor," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 5. That there be and there is hereby appropriated out of any money in the treasury not otherwise appropriated, such sums as may be necessary for the purposes of this act not exceeding the sum of one hundred thousand dollars during any biennial period as contemplated in section two of this act. Appropriation not to exceed one hundred thousand dollars.

Approved March 31, 1897.

[No. 56.]

AN ACT to amend sections eight and fifteen of chapter nine of act number three of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February ninth, eighteen hundred and ninety-five.

SECTION 1. *The People of the State of Michigan enact*, That sections eight and fifteen of chapter nine of act number three of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February ninth, eighteen hundred and ninety-five, be amended so as to read as follows: Sections amended.

Assessor to
make an
assessment.

Who liable to
pay taxes and
value of prop-
erty.

When assess-
ment is not
necessary.

When assess-
ment roll to
be made.

Assessment
roll to be de-
livered to the
treasurer.

Treasurer to
collect taxes.

Time in which
taxes to be
paid.
President may
renew war-
rant.

SEC. 8. The assessor of every village subject to the provisions of this act shall, in each year, at and within the same time as required by the general laws of this State for the assessment of property in the townships of this State, make an assessment roll, containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the State to taxation in the village, and the name of the owner, agent or person liable to pay taxes therein if known, and the names of all persons liable to pay poll tax in the village and shall set down in such roll the valuation of such property, at its true cash value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of law governing supervisors of townships performing like services, unless otherwise in this act provided: *Provided*, That whenever in any year it shall not be necessary to raise any money by taxation in any village, the council of such village may so determine by resolution, and when so determined by the council they shall certify such determination to the assessor, and such assessor shall not make any assessments of property in such village for such year: *And provided further*, That the council of any village subject to the provisions of this act may, by resolution, direct the assessor to take the assessment and make an assessment roll on or before such date as shall be deemed to be for the best interests of the village not later than the first day of May in each year.

SEC. 15. After extending the taxes as aforesaid, and not later than the third Monday of June in each year or in case the council shall have fixed by resolution, in accordance with the proviso in section eight of this chapter, not later than the first Monday in May the assessor shall cause said assessment roll, certified under his hand, to be delivered to the treasurer, with the warrant of the president of the village annexed thereto, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to collect all taxes by a certain day therein to be named, not less than thirty nor more than fifty days from the date of said warrant. The president may renew said warrant from time to time, by order of the council, and for such time as the council shall direct: *Provided*, That the time shall not be extended later than the third Monday of October in any year.

This act is ordered to take immediate effect.

Approved March 31, 1897.

[No. 57.]

AN ACT to amend section one hundred and three of chapter twelve of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven hundred and forty-nine, as amended by act one hundred and ninety-nine, laws of eighteen hundred and seventy-nine, relative to the eligibility of persons to township offices.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and three of chapter twelve of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven hundred and forty-nine, as amended by act one hundred and ninety-nine, laws of eighteen hundred and seventy-nine, relative to the eligibility of persons to township offices be, and hereby is amended to read as follows: Section amended.

SEC. 103. No person except a citizen of the United States and an elector as aforesaid shall be eligible to any elective office contemplated in this chapter: *Provided, however*, That any female person of or above the age of twenty-one years, who has resided in this State six months and in the township twenty days next preceding any election, shall be eligible to the office of school inspector. Who shall be eligible to hold office.

Approved March 31, 1897.

[No. 58.]

AN ACT to amend section seven of act number two hundred and six of the session laws of eighteen hundred and eighty-one, being section four hundred and eighteen of Howell's annotated statutes, relative to State institutions and regulations relating thereto as amended by act number eighty-six of public acts of eighteen hundred and eighty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section seven of the public acts of eighteen hundred and eighty-one, being section four hundred and eighteen of Howell's annotated statutes relative to State institutions and regulations relating thereto, as amended by act number eighty-six of the public acts of eighteen hundred and eighty-nine, be and is hereby amended so as to read as follows: Section amended.

SEC. 7. That before the board of any charitable, penal, educational or reformatory institution shall determine on the plan of any building, or on any system of sewerage, ventilation or heating, which has been authorized by the legislature to be constructed, such plan shall be submitted to the Board of Corrections and Charities and the State Board of Health for Plans for State buildings to be submitted to certain boards for approval.

Opinion of
boards to be
filed with
Auditor Gen-
eral.

State boards
to visit State
institutions.

examination and opinion thereon; and the board so submitting such plan shall, in its biennial report, show to what extent it was approved by the boards so examining them. And no money shall be paid out of the State treasury for the execution of any such plan or system until the Board of Corrections and Charities shall file with the Auditor General a written opinion that the proposed plan is of such character that the construction may be fully completed in accordance therewith at an expense within the amount appropriated therefor. That it shall be the duty of said State boards to visit said penal, educational, charitable and reformatory institutions when necessary to make the examination herein required, and their expenses necessarily incurred shall be audited by the Board of State Auditors and paid from the general fund.

Approved March 31, 1897.

[No. 59.]

AN ACT to amend sections seventeen and twenty-six of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and (deception) deceptions at elections in this State, as amended by acts amendatory thereto.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections seventeen and twenty-six of act number one hundred and ninety, public acts of eighteen hundred and ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State," as amended by acts amendatory thereto, be, and the same are hereby amended so as to read as follows:

Board of elec-
tion commis-
sioners to
furnish
ballots.

SEC. 17. It shall be the duty of the board of election commissioners of each county to provide and enclose in each package of official ballots to be delivered to some member of the board of election inspectors of each voting precinct as hereinafter provided, as many black or blue lead pencils, to be attached with strings or in other suitable manner to the booth, as may be necessary, at least three black or blue lead pencils being furnished for every booth erected as hereinafter provided. And the board of election commissioners of each county shall audit and issue their warrants for the same, which shall be paid by the county treasurer out of the general fund of the county.

Manner of
voting in case
of challenge,
etc.

SEC. 26. When an elector shall not be challenged or shall have taken the necessary oath or affirmation, he shall be permitted to vote. On entering the room the inspector holding the ballots shall deliver to him one of them, and on request

shall give explanation of manner of voting; if deemed necessary by the board an interpreter may be called. The elector shall then and without leaving the room, go alone into a booth which is unoccupied and indicate the candidates for whom he desires to vote, as follows: If the party desires to vote a straight ticket he must make a cross (X) in the circle under the name of his party at the head of the ballot. Nothing further need be done. Where only one candidate is to be elected to an office and the elector desires to vote for a candidate not on his party ticket, he should make a cross in the circle under the name of his party, and also make a cross in the square before the name of the candidate for whom he desires to vote on the other ticket. In such case it shall not be necessary to strike off the name of the candidate on the party ticket. Where two or more candidates are to be elected to the same office, like circuit court commissioners, electors, etc., and the voter desires to vote for candidates on different tickets for such office, he must mark a cross in the circle under his party name and mark a cross in the square before the name or names of the candidate for whom he desires to vote on the other ticket or tickets, and also erase an equal number of names of the candidates for such office on his party ticket. If the elector wishes to vote for a candidate not on any ticket he must write or paste the name of such candidate on his ticket opposite the name of the office, and make a cross in the circle under the party names. A ticket marked with a cross in the circle under a party name will be deemed a vote for each of the candidates named in such party column whose name is not erased, except those candidates where a cross is placed in the square before the name of some opposing candidate on the opposing ticket or where a name is written or pasted on the party ticket of some candidate whose name is not printed as a candidate on any party ticket. In case there is only one candidate to be elected to any office, the cross in the square before the name of the candidate on the opposing ticket shall be deemed one vote for such candidate. Where there are two or more candidates to elect to the same or like office, a cross before the names of the opposing candidate or candidates shall be deemed one vote for such candidate or candidates: *Provided*, An equal number of names for the same office are erased from the party ticket. If the name of any person who is not a candidate on any ticket, is written or placed on the party ticket opposite the name of the office, and there is a cross in the circle under the party name, the name so written shall be counted one vote for the person so mentioned, whether the original name on the party ticket is erased or not, excepting cases where there is a cross in the square before the name of some opposing candidate on some other party ticket. If no cross is placed in the circle under the party name a cross in the square before the name of any candidate shall be deemed a vote for such candidate, except in cases where the elector votes for more candidates for the same office than are to be

Instructions.

Manner of marking ballots.

In case of two or more candidates for same office how marked.

Proviso as to erasing names.

When a cross placed in front of name deemed a vote for candidate.

elected. Such elector may also indicate his preference on any constitutional amendment or other question by making a (X) in the square in front of the words "Yes" or "No" opposite such question. Before leaving the booth the elector shall fold his ballot so that no part of the face thereof shall be exposed, and so that the initials of the inspector shall be on the outside thereof, and on leaving the booths, shall at once deliver in public view, such ballot to the inspector designated to receive the same, who shall thereupon announce audibly the name of the elector offering the same. Before the ballot is deposited in the box the poll clerks shall enter the name of such elector on their respective poll [lists] list and number the same consecutively. The inspectors shall then in presence of the elector and the board of inspectors deposit the same in the ballot box without opening the same: *Provided, however,* If any elector shall show his ballot or any part thereof, to any person, other than one lawfully assisting him in the preparation thereof, after the same shall have been marked, so as to disclose any part of the face thereof, such ballot shall not be received or deposited in the ballot box. In case such elector shall so expose his ballot his name shall be entered on the poll lists with a minute of such occurrence and such elector shall not be allowed to vote thereafter at said election. The elector shall then leave the room, but no elector to whom the ballot has been delivered shall be permitted to leave the room without voting the ballot or returning it to the inspector from whom he received it. Any elector who shall attempt to leave the room with a ballot or pencil in his possession shall be at once arrested on demand of any member of the board of inspectors if he shall refuse to deliver the same upon request.

Approved March 31, 1897.

[No. 60.]

AN ACT to legalize the purchase by the Board of the Northern Michigan Asylum, of certain real estate.

<p>The purchase of real estate legalized.</p> <p>Description.</p> <p>Amount paid.</p>	<p>SECTION 1. <i>The People of the State of Michigan enact, That the action and proceedings of the Board of the Northern Michigan Asylum, in the purchase from Perry Hanna and others, of the following described real estate, to wit: All that part of the northeast quarter of the southeast quarter of section nine, township twenty-seven, north range eleven west, said land lying south of the Newaygo and Northport State road, the purchase price therefor being twenty-nine hundred dollars, the deed therefor being dated on the eleventh day of June, eighteen hundred ninety-six, and recorded June thirteenth, eighteen hundred ninety-six, in liber forty-three of deeds on</i></p>
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page ninety-five, in the county of Grand Traverse, Michigan; also, the following, to wit: The northwest quarter of the southwest quarter of section nine, town twenty-seven north range eleven west, containing forty acres, more or less, the purchase price therefor being sixteen hundred dollars, the deed therefor being executed on the fifteenth day of June, eighteen hundred ninety-six, and recorded June sixteenth, eighteen hundred ninety-six, in liber forty-four of deeds on page three hundred seventy-nine, be, and the same are hereby ratified, confirmed, made and declared to be valid and legal, the same as though the said Board of the Northern Michigan Asylum had had full authority and power to purchase said lands for and in behalf of the State of Michigan, at the time the same were purchased. Description.

This act is ordered to take immediate effect.

Approved March 18, 1897.

[No. 61.]

AN ACT to authorize the use of any thoroughly tested and reliable voting machine at any election held in this State.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of any county may at their annual meeting by a two-thirds vote, authorize the use of any thoroughly tested and reliable voting machine at any township election, to be held within their respective counties, during the ensuing year after such annual meeting, and any city council, or village council, may at any regular meeting authorize the use of such voting machines at any election to be held within their respective cities or incorporated villages during the ensuing year, but all voting by machines shall be a secret vote, as hereinafter provided. Voting machines who shall authorize the use of.

SEC. 2. All voting shall be done in voting booths or compartments of suitable dimensions to enclose one voter with a voting machine in such a manner as to ensure a secret vote, providing that if any voter makes affidavit that he is unable to vote intelligently on account of defective eyesight, or other physical disability, or from ignorance, the chairman of the board of election inspectors shall designate an inspector, who in the presence of the authorized challengers or other inspectors shall assist a physically disabled voter, or instruct a voter who cannot read the ballot, how to operate the machine to give expression to such voter's choice, but in no case shall any such voter be advised what person or party ticket to vote for, that question being left solely for the voter's own choice and determination. Whenever a voter has been assisted or Voting, how done.
Assisting disabled, etc.

instructed as indicated, a notation to that effect shall be made in the poll book, or register of electors, and on the poll list and tally sheets stating briefly the nature of the disability of such voter.

To test machines and see that nominees names are properly placed thereon.

SEC. 3. The board of election commissioners shall thoroughly test all voting machines within thirty days previous to any election at which the use of such machines has been authorized. They shall also see that the names of all duly authorized nominees for office are suitably placed and arranged in connection with the voting machines and deliver the voting machines and all their appurtenances connected with them in perfect order for use in voting, together with full instructions for the voters' information, to the proper officials in time for use on election day.

Instructions to be placed in booth.

SEC. 4. The board of inspectors of election will place plain printed or written instructions for voters in each voting booth, or compartment before the opening of the polls, showing how to vote on the machine and will give general oral instructions previous to a voter's entering a voting booth, to such voters as may desire them. They will also determine what length of time not to exceed three minutes a voter may remain in a voting booth or compartment.

Ballot on questions, box to be provided for.

SEC. 5. An ordinary ballot box shall be provided for use in each voting precinct, wherein shall be cast duly authorized ballots relating to any question or matter not provided for by the voting machine, if any, and such votes shall be counted and returns made as provided by existing laws.

Board of registration to provide, and explain operation of machine.

SEC. 6. Whenever the use of voting machines has been duly authorized in any city, village, or township, one such voting machine shall be placed in each voting precinct, whenever and wherever a board of registration is in session and some member of such board will call the attention of voters who are entitled to registration, to such voting machine and explain how it will operate when used on election day, to all such voters, if they express a desire for such information.

Board to ascertain and publicly proclaim vote before adjourning.

SEC. 7. At the close of the polls a statement of the votes for each and every person and proposition as shown by the voting machine shall be ascertained and publicly proclaimed by the board of election inspectors and correct copies of the result of the vote shall be made up in proper form and transmitted, to the designated officials as required by existing laws, but no adjournment of any board of election inspectors shall take place until the true result of the vote has been ascertained and publicly announced.

Damaging or obstructing use of machines.

SEC. 8. Any person who shall knowingly and willingly damage any voting machine or knowingly and willingly do anything to obstruct its use or make a wrong use of such machine on election day, or shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or

Penalty for

by imprisonment of not less than six months, nor more than three years or by both such fine and imprisonment in the discretion of the court.

SEC. 9. All election laws not incompatible with this act are continued in full force and effect.

Laws not incompatible to continue in force.

This act is ordered to take immediate effect.

Approved April 1, 1897.

[No. 62.]

AN ACT to amend section one of act number one hundred and thirteen of the public acts of eighteen hundred and eighty-seven, entitled "An act to authorize the trustees, vestrymen, consistory or other governing body of any religious society incorporated under the laws of this State, to receive money by gift or bequest when the same is to be invested and the income thereof applied in payment or part payment of the salary of their minister, priest, rector, parson or clergyman," approved May twenty-one, eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number one hundred and thirteen of the public acts of eighteen hundred and eighty-seven, entitled "An act to authorize the trustees, vestrymen, consistory, or other governing body of any religious society, incorporated under the laws of this State, to receive money by gift or bequest when the same is to be invested and the income thereof applied in payment or part payment of the salary of their minister, priest, rector, parson or clergyman," be and the same is hereby amended so as to read as follows, to wit:

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That the trustees, vestrymen, consistory, or other governing body of any religious society incorporated under the laws of this State, may in their corporate name receive gifts and bequests of money for investment upon bond and mortgage when the interest of such investment is to be applied in payment or part payment of the salary of the minister, priest, rector, parson or clergyman of such religious society: *Provided*, That sums of money, mortgages or investments so held by any such society shall not exceed the sum of thirty thousand dollars at any one time, and shall be invested by the trustees, vestrymen, consistory, or other governing body, in their corporate name, upon bonds secured by mortgage upon unincumbered real estate, worth at least double the amount loaned thereon.

When corporation may receive money for investment.

Proviso as to amount.

Approved April 9, 1897.

[No. 63.]

AN ACT to amend section four, chapter eleven, of act number three of the public acts of eighteen hundred and ninety-five, approved February nineteenth, eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of chapter eleven of act number three of the public acts of eighteen hundred and ninety-five, approved February nineteenth, eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," be and the same is hereby amended so as to read as follows:

Questions of
raising money
to be voted
upon.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase or construction of water works in any village, the council shall cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the village, at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: *Provided, however*, After water works have been purchased or constructed in a village by virtue of any provisions of law, the council may then raise and expend, in making repairs or alterations, or in extending such works, such sum as it may see fit, without submitting the question to the electors of the village: *Provided*, That the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provision of section one, chapter nine of this act, the council is authorized to raise.

Proviso as to
money for
repairs.

Proviso as to
amount.

Approved April 9, 1897.

[No. 64.]

AN ACT to amend section one of act number ninety-five, session laws of eighteen hundred and seventy-three, entitled "An act to regulate and define the duties of the judge of probate in certain cases," as amended by act number forty-seven of the session laws of eighteen hundred and eighty-five, the same being section six thousand eight hundred and nine of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number ninety-five, session laws of eighteen

hundred and seventy-three, entitled "An act to regulate and define the duties of the judge of probate in certain cases," as amended by act number forty-seven of the session laws of eighteen hundred and eighty-five, the same being section six thousand eight hundred and nine of Howell's annotated statutes, be amended to read as follows:

SECTION 1. It shall be the duty of the judge of probate of any county in this State to notify and require all persons appointed executor or administrator of any estate, or guardian of any minor child, or of any person under guardianship, within his county, to appear at his office within one year from the date of their appointment as such administrator, executor or guardian, and at least once each year thereafter during the continuance of the administration or guardianship, and at such other times as he may direct, and render unto him an accurate account of all moneys and other property in his hands as such executor, administrator or guardian, and the proceeds and expenditures thereof.

When judge of probate to notify executor or administrator to appear at his office.

Approved April 9, 1897.

[No. 65.]

AN ACT to attach Isle Royale to the county of Keweenaw.

SECTION 1. *The People of the State of Michigan enact*, That the island of Isle Royale, situate and being in Lake Superior, and belonging to and being a part of the State of Michigan, be and the same is hereby attached to and made a part of the county of Keweenaw in said State of Michigan for all purposes.

Isle Royale attached to Keweenaw county.

SEC. 2. It shall be the duty of the board of supervisors of Keweenaw county to take such action relative to Isle Royale as will provide for the proper township government thereof and the levy, assessment and collection of taxes therein.

Board of supervisors to provide township government.

SEC. 3. The board of supervisors of Keweenaw county may, in their judgment, attach Isle Royale to any one of the townships of Keweenaw county, for the purpose of the levy, assessment and collection of taxes, or they may set apart said Isle Royale into a separate township for said purpose of government and taxation.

May attach to any township.

SEC. 4. All books, papers, documents and records heretofore belonging to the county of Isle Royale and the townships therein, which are in the care of the county of Houghton, or any of its officers, together with the safe and records heretofore belonging to the county of Isle Royale which are now in the custody of the Auditor General shall be transferred forthwith to the county of Keweenaw and shall become the property, records, documents and belongings of the county of Keweenaw.

Books and records to be turned over to Keweenaw county.

Act repealed.

SEC. 5. Act number sixteen of the public acts of eighteen hundred and eighty-five, entitled "An act to attach the county of Isle Royale to the county of Houghton for judicial purposes," is hereby repealed.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 66.]

AN ACT to amend section twenty-two of chapter three of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being section five thousand and seventy-four of Howell's annotated statutes, relative to the school census, and to add a new section to said chapter to stand as section twenty-two *a*.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two, of chapter three of act number one hundred sixty-four of the public acts of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools and to repeal all statutes and acts contravening the provisions of this act," being section five thousand seventy-four of Howell's annotated statutes, relating to the taking of the school census, be amended so as to read as follows, and a new section be added to said chapter to stand as section twenty-two *a*:

When census of school children to be taken.

SEC. 22. It shall be the duty of the director or such other person as the district board may appoint, within ten days next previous to the first Monday in September in each year to take the census of the district and make a list in writing of the names, ages and residences of all the children between the ages of five and twenty years residing therein, and also the names and residences, giving street and number in cities and villages, of all the parents or guardians of such children and a copy of said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or endorsed thereon, setting forth that it is a correct list of the names and residences of all children between the ages aforesaid, residing in the district, which affidavit may be made before the clerk of the township; and said list shall be returned with the annual report of the director to the township clerk. Children in almshouses, prisons, or asylums, not otherwise resident of the district and not attending school shall not be included in said census; nor shall Indian children be included,

Person taking census to make affidavit as to correctness of list.

What children not to be included in census.

unless they attend the school or their parents are liable to pay taxes therein.

SEC. 22a. Any person intentionally giving to any census enumerator of school children any false information as to the names or ages of school children, or as to the names or residence of the parents or guardian of any school children or any enumerator who shall perform his duties carelessly or negligently, shall be guilty of a misdemeanor, and upon conviction thereof, be liable to a fine of not more than five dollars or to imprisonment in the county jail for not more than five days, in the discretion of the court.

Penalty for giving false information as to children.

Approved April 9, 1897.

[No. 67.]

AN ACT to amend section one of act number ninety-five of the public acts of eighteen hundred and ninety-five, approved April twenty-sixth, eighteen hundred and ninety-five, entitled "An act to provide for the compulsory education of children, for the punishment of truancy and to repeal all acts or parts of acts conflicting with the provisions of the same."

SECTION 1. *The People of the State of Michigan enact, That* section one of act ninety-five of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the compulsory education of children, for the punishment of truancy and to repeal all acts or parts of acts conflicting with the provisions of the same," be and the same is hereby amended so as to read as follows:

Section amended.

SECTION 1. That every parent, guardian or other person in the State of Michigan having control and charge of any child or children between the ages of eight and sixteen years and in cities between the ages of seven and sixteen years, shall be required to send such child or children to the public school for a period of at least four months in each school year, except that in cities having a duly constituted police force, the attendance at school shall not be limited to four months beginning on the first Monday of the first term commencing in his or her district after September first of each year. And such attendance, in cities, shall be consecutive until each and every pupil between the ages of seven and sixteen years shall have attended school the entire school year previous to the thirtieth day of June in each school year: *Provided*, If it be shown that any such child or children are being taught in a private school in such branches as are usually taught in the public schools, or have already acquired the ordinary branches

Compulsory education of children under certain age.

Proviso as to children taught in private school.

Truant officer to employ physician to examine children unable to attend school.

Proviso as to exempting certain children from attending school.

Further proviso as to what children shall be exempt.

of learning taught in public schools, or if the person or persons in parental relation to such child or children present a written statement that such child or children is or are physically unable to attend school, the truant officer or district board may employ a reputable physician to examine such child or children, and if such physician shall certify that such child or children is or are physically unable to attend school, such child or children shall be exempt from the provisions of this act: *Provided further*, That the school boards in cities may on the recommendation of the superintendent of schools and of the truant officer, exempt children over fourteen years of age from attendance at school for either a part or for the whole of the time until they shall severally reach the age of sixteen years, for any reason that said boards may deem sufficient: *And further provided*, That in case a public school shall not be taught for four months during the time herein specified, within two miles by the nearest traveled road, of the residence of any such child or children, such child or children shall not be liable to the provisions of this act.

Approved May 13, 1897.

[No. 68.]

AN ACT to amend section one of act number fifty-six of the session laws of eighteen hundred and ninety-five, entitled "An act to provide for the purchase and display of United States flags in connection with the public school buildings within this State," approved April fourth, eighteen hundred and ninety-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number fifty-six, of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the purchase and display of United States flags in connection with the public school buildings within this State," approved April fourth, eighteen hundred ninety-five, be amended so as to read as follows:

Flags and appliances to be purchased.

SECTION 1. That the board of education or the board of school trustees in the several cities, townships, villages and school districts of this State shall purchase a United States flag of a size not less than four feet two inches by eight feet and made of good flag bunting "A," flag staff and the necessary appliances therefor and shall display said flag upon, near (or in a conspicuous place within) the public school building during school hours and at such other times as to the said board may seem proper; and that the necessary funds to defray the expenses to be incurred herein shall be assessed and collected

Time for displaying.

Expense to be defrayed from school moneys.

in the same manner as moneys for public school purposes are collected by law. And the penalties for neglect of duty provided in section two, chapter thirteen of the general school laws, shall apply to any school officer refusing to comply with the provisions of this act. Penalty.

Approved April 9, 1897.

[No. 69.]

AN ACT to provide for service upon corporations of process issued from circuit courts in chancery.

SECTION 1. *The People of the State of Michigan enact, That* process issued from circuit courts in chancery may be served upon corporations in the same manner as is or may be provided by law for service upon such corporations of process in actions at law. Process in chancery cases may be served same as in actions at law.

Approved April 9, 1897.

[No. 70.]

AN ACT to amend section two of chapter two hundred forty of the compiled laws of eighteen hundred seventy-one as amended by act two hundred eighty-six of the public acts of eighteen hundred eighty-one, being compiler's section nine thousand fifty-three of Howell's annotated statutes of Michigan, entitled "An act relative to the fees of justices of the peace, constables and sheriffs in criminal cases."

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter two hundred forty of the compiled laws of eighteen hundred seventy-one as amended by act two hundred eighty-six of the public acts of eighteen hundred eighty-one, being compiler's section nine thousand fifty-three of Howell's annotated statutes of Michigan, entitled "An act relative to the fees of justices of the peace, constables and sheriffs in criminal cases," be and the same is hereby amended so as to read as follows: Section amended.

JUSTICES OF THE PEACE.

SEC. 2. For a complaint on oath, twenty-five cents; a warrant, twenty-five cents; for entering any cause upon the docket, twenty-five cents; a bond or recognizance, twenty-five Fees for justices of the peace.

cents; for approving the same, ten cents; a subpoena (not exceeding four in any one case), ten cents; for certifying cause to other magistrates or court, fifteen cents; for commitment or mittimus, twenty-five cents; for an adjournment, fifteen cents; for certificate of conviction to file with the clerk, twenty-five cents; for making and filing return on appeal, or where a party is bound over to the circuit court, or any other court having concurrent jurisdiction, one dollar; for notifying county agent for the care of juvenile offenders of the pendency of the case against any juvenile offender, twenty-five cents; for each arraignment and receiving a plea of guilty, in case such plea is entered, one dollar and fifty cents; for each arraignment where the plea of not guilty is entered, or where examination is waived or demanded, one dollar and fifty cents; for holding examinations including the taking of testimony and swearing of witnesses, and for the trial of any cause which shall include the swearing of all witnesses, the constable and jury, if one be called, also the judgment and record of any exceptions or motions made during the trial, three dollars per day for each day and one dollar and fifty cents for each one-half day while actually engaged in such examination or trial, or while engaged in hearing any motion relative to such trial or examination, or final disposition of any cause, but such per diem shall not be allowed until such examination or trial shall have been actually begun and no justices of the peace shall receive any other fees or compensation for any services rendered in any criminal case than such as are hereinbefore provided.

Approved April 9, 1897.

[No. 71.]

AN ACT in relation to the manufacture and sale of vinegar, and to repeal act number two hundred and twenty-four of the public acts of eighteen hundred and eighty-nine, approved July one, eighteen hundred and eighty-nine.

Sale of vinegar to be subject to provisions of this act.

Vinegar to be made from pure apple juice when sold as pure.

SECTION 1. *The People of the State of Michigan enact*, That no person shall manufacture for sale, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard or cider vinegar, which is not the legitimate product of pure apple juice, known as apple cider or vinegar not made exclusively of said apple cider or vinegar into which foreign substance, drugs or acids have been introduced, as may appear upon proper test, and upon said test, shall contain not less than one and three-fourths per cent, by weight, of cider vinegar solids upon full evaporation at the temperature of boiling water.

SEC. 2. All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all of such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And all fermented vinegar not distilled shall contain not less than one and three-fourths per cent, by weight, upon full evaporation (at the temperature of boiling water) of solids, contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than four per cent, by weight, of absolute acetic acid.

When to be
branded "fer-
mented vine-
gar."

When "distil-
led vinegar."

When not dis-
tilled.

Vinegar to be
made as rep-
resented.

SEC. 3. No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be marked, stenciled or branded on the head of the cask, barrel or keg containing such vinegar with the name and residence of the manufacturer together with brand required in section two hereof.

What vinegar
prohibited
from sale.

To be branded
or stenciled on
head of cask
or barrel.

SEC. 4. Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned in the county jail not to exceed ninety days and the costs of prosecution, or by both such fine and imprisonment in the discretion of the court.

Penalty for
violation.

SEC. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Repealing
clause.

Approved April 16, 1897.

[No. 72.]

AN ACT authorizing the appointment of a Deputy Attorney General.

SECTION 1. *The People of the State of Michigan enact*, That the Attorney General may appoint a deputy for whose acts he shall be responsible, and may revoke such appointment at pleasure. Such deputy shall take the constitutional oath of office, and shall do such work in the Attorney General's depart-

Attorney Gen-
eral may ap-
point deputy.

**Powers and
duties of
deputy.**

ment as may be assigned to him. During the sickness, absence or disability of the Attorney General, he may execute all of the duties of the office. He shall be paid the sum of two thousand dollars per annum from the same fund, and in the same way as all other State deputies are paid.

This act is ordered to take immediate effect.

Approved April 16, 1897.

[No. 73.]

AN ACT to change the name of "Michigan Mining School" to "The Michigan College of Mines."

**Name changed
to Michigan
College of
Mines.**

SECTION 1. *The People of the State of Michigan enact, That* the institution now known and designated under the name and style of "Michigan Mining School" shall hereafter be known and designated as "The Michigan College of Mines."

**Repealing
clause.**

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 15, 1897.

[No. 74.]

AN ACT to repeal section two thousand five hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, entitled "An act to provide that plank road companies shall file their consent in writing with the Secretary of State to any amendment to any of their laws," being compiler's section three thousand five hundred and ninety-three of Howell's annotated statutes.

**Section
repealed.**

SECTION 1. *The People of the State of Michigan enact, That* section two thousand five hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, entitled "An act providing that plank road companies shall file their consent in writing with the Secretary of State to any amendment to their laws," being compiler's section three thousand five hundred and ninety-three of Howell's annotated statutes of Michigan, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved April 16, 1897.

[No. 75.]

AN ACT to amend an act entitled, "An act relating to burying grounds," being chapter one hundred and eighty (180), as amended, of Howell's annotated statutes, approved February twelve, eighteen hundred and fifty-five, by adding thereto a new section.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act relating to burying grounds," being chapter one hundred and eighty (180), as amended, of Howell's annotated statutes, approved February twelve, eighteen hundred and fifty-five, be and the same is hereby amended by adding thereto a section to stand as section thirty-six (36) and to read as follows: Section amended.

SEC. 36. Any corporation organized or to be organized under this act may own and hold land heretofore or hereafter acquired for additional burial grounds and such other land heretofore or hereafter acquired as may be needed for the convenient or proper operation of its burial grounds: *Provided*, Corporation may own lands for additional burial grounds. *however*, That land heretofore or hereafter acquired by said corporation and not being a part of its burial grounds, shall not be exempt from taxation. Proviso.

Approved April 15, 1897.

[No. 76.]

AN ACT to prevent deception in the manufacture and sale of imitation butter.

SECTION 1. *The People of the State of Michigan enact*, That no person, by himself or his agents, or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product or compound made wholly or in part out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream from the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter. Sale of imitation butter prohibited.

SEC. 2. Whoever violates any of the provisions of section one (1) of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, and the Proviso as to oleomargarine.

Penalty.

costs of prosecution, or by imprisonment in the county jail, or State House of Correction and Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court, for each and every offense.

Approved April 15, 1897.

[No. 77.]

AN ACT to provide for the committing of pauper insane persons to the Kent county insane asylum, and for the transfer of such persons to the State asylum and from the State asylum to the said county asylum, and to provide for the support and maintenance of such insane persons.

Pauper insane
to be com-
mitted to
Kent county
asylum.

Same proced-
ure as to com-
mit to State
asylum.

Charge to
State after
two years.

Asylum to be
inspected by
State Board of
Corrections
and Charities.

May transfer
patients to
State asylum.

SECTION 1. *The People of the State of Michigan enact*, That when the board of supervisors of the county of Kent build and equip a county insane asylum that the judge of probate for the said county of Kent may, in his discretion, commit any pauper insane persons who would be a charge against the said county of Kent, to the Kent county insane asylum, instead of the State asylum, in the same manner and under the same procedure as provided for the admission of pauper insane into the State asylum, by section twenty-six, act one hundred and thirty-five of the public acts of eighteen hundred and eighty-five; and the support and maintenance of such insane persons, after two years, shall be a charge against the State and shall be allowed by the Board of State Auditors, on proper accounts, certified by the board of superintendents of the poor for said county and the medical superintendent of said county asylum, upon the certificate of the State Board of Corrections and Charities, that such insane persons have received proper treatment and care.

SEC. 2. The State Board of Corrections and Charities shall, from time to time, with the aid of the medical superintendent of said county asylum and the medical superintendent of one of the State asylums to be selected by said board, examine into the treatment and care of patients in said county asylum, and said board in its discretion, may at any time direct that any of such patients be transferred to a State asylum and it shall be the duty of the superintendent of the poor of said county to make such transfer, and as to the patients so transferred there shall be deducted from the two years, for which their support and maintenance in the State asylum may be charged against the said county, the time for which they may have been confined in said county asylum.

SEC. 3. The medical superintendent of either of the State asylums may, with the consent of the trustees thereof, transfer to said Kent county asylum any indigent or pauper insane person whose support and maintenance would be a charge against said county, and after the expiration of two years, including any time for which they may have been supported and maintained at the expense of said county, the support and maintenance of such patients in said county asylum shall be allowed by the Board of State Auditors, on proper accounts, certified by the said superintendents of the poor and the medical superintendent of said county asylum. The medical superintendent of the Michigan Asylum for the Insane may, with the consent of the trustees thereof, transfer to said Kent county asylum any indigent or pauper insane person or persons under treatment at the expense of the State of Michigan, who have been committed to the Michigan Asylum for the Insane from Kent county, and the account for the maintenance of such patient shall be allowed by the Board of State Auditors, and paid by the State of Michigan, on proper accounts certified as provided in section one of this act: *Provided*, That no greater sum than the actual cost per week, which shall at no time exceed three dollars per week, shall be allowed and paid, under the provisions of this act for the support and maintenance of any patient at said county asylum.

Medical superintendent of State asylum may commit to Kent county asylum.

Expense of maintenance to be paid by State after two years.

Limit to cost of maintenance to be allowed by State.

SEC. 4. The books of said superintendents of the poor shall be open at all times to the inspection of the Governor of the State, and all persons whom he, or the Board of State Auditors, may appoint to examine the same for the purpose of verification of claims against the State.

Books of the superintendent to be open to inspection.

Approved April 16, 1897.

[No. 78.]

AN ACT regulating and licensing the practice of osteopathy in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That any person having a diploma regularly issued by the American School of Osteopathy of Kirksville, Missouri, or any other legally chartered and regularly conducted school of osteopathy, who shall have been in personal attendance as student of anatomy, physiology and diseases of the human structure, in such school, for at least four terms of not less than five months each, before graduation, shall be authorized to treat diseases of the human body according to such system, without the use of medicine or surgery after having filed such diploma for record with the clerk of the county in which such person

Osteopathy, who entitled to practice.

To file diploma.

proposes to practice, and having filed with such clerk an affidavit that the diploma is genuine, and that he or she is the person to whom the same was issued, and that all the provisions of this act were fully complied with before the issuing of such diploma; whereupon the clerk shall record such diploma in a book to be provided by him for that purpose, and shall indorse upon such diploma the date of filing and recording the same, for which he shall receive from such person a fee of one dollar.

Penalty for
violation of
act.

SEC. 2. Any person who shall practice or pretend or attempt to practice the system, method or science of osteopathy, in treating diseases of the human body, within this State, without having complied with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than fifty, nor more than one hundred dollars for each offense: *Provided*, That nothing in this act shall be construed as prohibiting any legally authorized practitioner of medicine or [surgery] surgery, or other persons, in this State, from curing or relieving disease, with or without drugs, or by any manipulation by which any disease may be cured or alleviated.

This act is ordered to take immediate effect.

Approved April 21, 1897.

[No. 79.]

AN ACT making an appropriation for the Michigan School for the Blind for the years eighteen hundred ninety-seven and eighteen hundred ninety-eight.

Appropriation
for Michigan
School for
Blind.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated from the general fund, the sum of twenty-eight thousand dollars for the current expenses for the year eighteen hundred and ninety-seven, and the further sum of twenty-eight thousand dollars is hereby appropriated for the current expenses of said institution for the year eighteen hundred and ninety-eight.

Auditor Gen-
eral to incor-
porate in
State tax.

SEC. 2. The Auditor General shall add to, and incorporate in the State tax for the year eighteen hundred and ninety-seven, the sum of twenty-eight thousand dollars, and for the year eighteen hundred and ninety-eight the sum of twenty-eight thousand dollars, which sum when collected shall be placed to the credit of the general fund to reimburse it for the sums appropriated by this act.

This act is ordered to take immediate effect.

Approved April 21, 1897.

[No. 80.]

AN ACT to amend section eight of act number one hundred and twenty-four of the public acts of eighteen hundred and ninety-one, approved June [twelfth] twelfth, eighteen hundred and ninety-one, entitled "An act to provide for the incorporation of regiments and companies of the Deutscher Landwehr-Unterstützungs-Verein."

SECTION 1. *The People of the State of Michigan enact*, That section eight of act number one hundred and twenty-four of the public acts of eighteen hundred and ninety-one, approved June [twelfth] twelfth, eighteen hundred and ninety-one, entitled "An act to provide for the incorporation of regiments and companies of the Deutscher Landwehr-Unterstützungs-Verein," be amended so as to read as follows: Section amended.

SEC. 8. The location of the business office and regimental headquarters of the regiment shall be located in the city of Detroit, county of Wayne and State of Michigan, and subordinate companies shall have their business offices, where said companies have been chartered and organized. The State conventions of said regiment shall be held at times and places, in a manner and for purposes to be prescribed by the constitution and by-laws of said regiment. Business offices, location of.

This act is ordered to take immediate effect.

Approved April 22, 1897.

[No. 81.]

AN ACT to amend sections five and eight of act number seventy of the public acts of the legislature of the State of Michigan of the year eighteen hundred eighty-five, entitled "An act to establish and regulate a mining school in the upper peninsula," approved May one, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That sections five and eight of act number seventy of the public acts of the State of Michigan of the year eighteen hundred and eighty-five entitled "An act to establish and regulate a mining school in the upper peninsula," approved May one, eighteen hundred and eighty-five, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 5. The course of instruction shall embrace geology, mineralogy, chemistry, mining and mining engineering, and such other branches of practical and theoretical knowledge as, will in the opinion of the board, conduce to the end of enabling Instructions, what to embrace.

Matriculation fee.

Amount of tuition.

Incidental expenses.

Proviso.

Further proviso as to donation by U. S.

Proviso as to certain students.

Board to provide for collection of minerals.

To make report.

students of said institution to obtain a full knowledge of the science, art and practice of mining and the application of machinery thereto. The board of control shall establish a matriculation fee to be paid by all students which shall not be less than ten dollars for *bona fide* residents of this State and not less than twenty-five dollars for all others. Tuition shall be twenty-five dollars per year in said institution to all *bona fide* residents of this State, and the board of control shall establish rates for tuition of non-residents, which shall aggregate not less than fifty nor more than two hundred dollars per year and reasonable charges shall be made against any student for incidental expenses and uses of laboratories and apparatus and for all materials consumed; but the board shall not be obliged to furnish books, apparatus or other materials for the use of the students: *Provided*, That as to all such charges the board shall have power to remit the same in whole or in part in the case of deserving and needy students (who are *bona fide* residents of Michigan) by establishing scholarships or otherwise: *And provided further*, That in case the United States congress shall pass any act for the assistance or toward the support of said institution to be dependent on said institution being free to all residents of the United States, the said board of control shall have power to declare said institution to be free in accordance with the terms of such act of congress, and such declaration shall have the same force and effect as if the same were made by an act of the legislature of this State: *Provided*, That this act shall not apply to students who are now attending said school.

SEC. 8. It shall be the duty of said board to provide for obtaining and establishing a complete collection of minerals of the upper peninsula, and properly classifying the same; the board shall on or before the first day of December in each year next preceeding the regular session of the legislature, make a report of its doings to the Superintendent of Public Instruction, and shall transmit therewith a general report showing their receipts and expenditures during the period for which the report is made, as well as the general affairs of said school.

Approved April 22, 1897.

[No. 82.]

AN ACT to provide for the incorporation of Temperance Volunteers Association within the State of Michigan.

Number who may incorporate.

SECTION 1. *The People of the State of Michigan enact*, That any five or more persons, residents of this State, being members of the grand lodge of the Temperance Volunteers, being

desirous of forming themselves into a corporation, may become incorporated under and in pursuance of the provisions of this act.

SEC. 2. Such persons may make and execute articles under their hands and acknowledge the same before some officer authorized by law to take acknowledgment of deeds, and shall set forth therein: Articles of association.

First, The names of the persons associating in the first instance, and their respective places of residence; Names of persons.

Second, The corporate name by which such association shall be known in law; and the place, if any, where its principal business office is to be kept; and Corporate name.

Third, The object and purpose of such association, which shall be to promote the cause of temperance, and the period for which it is incorporated, not exceeding thirty years. Objects and period of incorporation.

SEC. 3. A copy of such articles of the association shall be filed and recorded in the office of the Secretary of State, and thereupon, the persons who shall have signed and acknowledged the said articles of the association, their associates and successors, shall be a body politic and corporate by the name expressed in said articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable of purchasing, taking, receiving, holding and enjoying, to themselves and their successors, real and personal property and estate, and of suing and being sued, and may have a corporate seal which they may change and alter at their pleasure: *Provided*, That the value of such real and personal estate shall not exceed the value of fifty thousand dollars, and they and their successors shall have authority and power to give, grant, sell, demise, or lease, and dispose of said real estate or any part thereof, at their will and pleasure, and the proceeds, rents and profits derived therefrom shall be devoted exclusively to the business and purposes for which such association was formed, as expressed in its articles of association. Every such corporation shall have full power and authority to make and establish rules, regulations and by-laws for regulating and governing of the affairs and business of said corporation, according to the laws of this State, and to designate, elect or appoint from its members, such officers and agents as it shall deem necessary, and under such name and style as it may deem proper. Copy of articles of association, to be filed in office of Secretary of State. Corporate powers.

SEC. 4. Such corporation, when duly formed, shall have power to institute and charter subordinate lodges within this State and from time to time to make, ordain, constitute and establish such constitution, general laws, and by-laws, ordinances and regulations, as the grand lodge shall judge proper for the regulation and government of such subordinate lodges not repugnant to the laws of this State: *Provided*, That in case the corporators, or persons associating in the first instance, shall by death, resignation, or for other cause, under the rules of the grand lodge, become ineligible to act in such Proviso as to valuation.

Establishing rules and by-laws.

May charter subordinate lodges in the State.

Proviso in case of death or resignation of incorporators.

capacity, their successors may, from time to time, be appointed by the grand lodge.

Number who may incorporate subordinate lodge.

File copy of articles of association with county clerk.

Corporate powers.

Certified copy of articles evidence of incorporation.

Proviso.

May appoint officers.

Certified copy of articles to be evidence.

Subject to provisions of general law.

Personal estate to be subject to taxation.

SEC. 5. Any five or more persons, resident of this State, being members of a subordinate lodge of the Temperance Volunteers, having been duly chartered by the grand lodge, desirous to become incorporated, may make and execute articles of association, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk, in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, hold, enjoy, grant, sell, give, lease and demise real and personal estate, of suing and being sued, and may have a corporate seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation: *Provided*, Said corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate, and the proceeds thereof, under the rules and regulations of the grand lodge, and may elect or appoint from among its members such officers, under such name and style, as shall be in accordance with its constitution.

SEC. 6. A copy of the record of such articles of association duly certified, according to law under the seal of the State, [shall be received as *prima facie* evidence in all courts of this State,] of the existence and due incorporation of such association.

SEC. 7. All corporations formed under this act shall be subject to the provisions of chapter one hundred and ninety-one of Howell's annotated statutes of the State of Michigan, so far as the same may be applicable to corporations formed under this act.

SEC. 8. All real and personal estate of such associations formed under the provisions of this act shall be subject to taxation under the general tax laws of this State.

This act is ordered to take immediate effect.

Approved April 22, 1897.

[No. 83.]

AN ACT to prohibit the shooting of wild fowl by persons on board of any floating device, which employs as motive power steam, gas, naphtha, oil or electricity.

SECTION 1. *The People of the State of Michigan enact,* That no person or persons shall hunt, pursue, worry or kill any wild fowl by means of fire arms or otherwise, during such time as said person or persons is upon or within any floating device or contrivance propelled by, or using as motive power, steam, gas, naphtha, oil or electricity. Wild fowl not to be hunted with any device propelled by steam, etc.

SEC. 2. A prosecution may be brought by any person in the name of the people of the State of Michigan, against any person or persons violating the provisions of the foregoing section of this act, before any justice of the peace of the county in which said violation is alleged to have taken place, or before any court of [competent] competent jurisdiction, and it is made the duty of all prosecuting attorneys in the State to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all offenders on complaint being made charging the violation of the provisions of this act; and it is hereby made the duty of the sheriffs, deputy sheriffs, constables and police officers to inform against and prosecute all persons whom they believe are guilty of violating any of the provisions of this act. Prosecution by prosecuting attorneys.

SEC. 3. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine of not less than ten nor more than fifty dollars, and in default of the payment thereof shall be confined in the county jail until such fine and costs of prosecution are paid, but not exceeding ninety days, or both such fine and imprisonment in the discretion of the court. Penalty.

SEC. 4. The provisions of this act shall not apply to or be in force upon any of the inland lakes, streams or waterways of this State. Not to apply to certain waters.

Approved April 22, 1897.

[No. 84.]

AN ACT to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of buckwheat flour.

SECTION 1. *The People of the State of Michigan enact,* That no person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, Sale of adulterated buckwheat flour

or sell as buckwheat flour any adulterated substance made in the semblance of buckwheat flour or as an imitation thereof, and which consists of any mixture or compound of mixtures other than buckwheat flour, except as provided in this act.

When deemed adulterated.

SEC. 2. Buckwheat flour shall be deemed to be adulterated within the meaning of this act, first, if any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity; second, if an inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable constituent or ingredient has been wholly or in part abstracted from it; fourth, if it is sold under the name of another article; fifth, if it contains an added substance or ingredient which is poisonous or injurious to the health.

To be branded by manufacturer.

SEC. 3. Every person who manufactures for sale, has in his possession with intent to sell, offers, or exposes for sale or sells any substance made in the semblance of buckwheat flour, or as an imitation of buckwheat flour, and which consists of any mixture or compound other than pure buckwheat flour, shall cause the barrel, package or pail containing the same, to be distinctly and legibly branded or labeled "Buckwheat Substitute" or "Compound," and every person who may expose for sale, or has in his possession with intent to sell, offers, or exposes for sale or sells any substance made in the semblance of buckwheat flour or as an imitation thereof, or as a substitute for buckwheat flour and which is designed to take the place of buckwheat flour and which consists of any mixture or compound of buckwheat flour with middlings or any other compound, shall cause the barrel, package or pail containing the same to be distinctly and legibly branded either "Adulterated Buckwheat Compound" or "Buckwheat Substitute," such brands or labels shall be in letters not less than one inch in length and shall be followed with the name of the maker and factory and the location of such factory.

Mixtures or compound of buckwheat must have such brands as "Adulterated buckwheat compound" or "buckwheat substitute."

Dealers to sell from branded packages.

SEC. 4. Every dealer or trader who, by himself or agent or as the servant or agent of another person, offers or exposes for sale, or sells any form of buckwheat flour substitute or adulterated buckwheat flour, as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein the same is contained, offered for sale or sold, a label upon the outside and face of each, distinctly and legibly printed in letters not less than one inch in length the words "Buckwheat Flour Substitute" or "Adulterated Buckwheat Flour" or "Buckwheat Flour Compound."

Possession of any substitute be deemed *prima facie* evidence of intent to sell.

SEC. 5. The having in possession of any buckwheat flour substitute or adulterated buckwheat flour or buckwheat flour compound, as hereinbefore defined which is not branded or labeled, as hereinbefore required and directed upon the part of any dealer or trader or any person engaged in the public or private sale of such article shall for the purpose of this act be deemed *prima facie* evidence of intent to sell the same.

SEC. 6. The taking of orders or the making of agreements or contracts by any person, firm or corporation or by any agent or representative thereof, for the future delivery of buckwheat flour shall be deemed a sale within the meaning of this act. Taking orders for shall be deemed a sale.

SEC. 7. Whoever shall falsely brand, mark or stencil, or label any barrel, package or pail of buckwheat flour or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia, for not less than thirty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court for each and every [offense] offence. Falsely branding guilty of a misdemeanor. Penalty.

SEC. 8. Whoever shall do any of the acts or things prohibited or wilfully neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of the provisions shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act, shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days or by both such fine and imprisonment in the discretion of the court. Violation a misdemeanor. Penalty.

SEC. 9. It shall be the duty of the food commissioner to investigate all complaints of violation of this act and take all steps necessary to its enforcement. It shall be the duty of all prosecuting officers of this State to prosecute to completion all suits brought under the provisions of this act upon the complaint of the commissioner or of any citizen. It shall be the duty of all food inspectors in cities to examine all complaints made to them of violation of this act, and to render assistance in enforcing these provisions. It shall also be the duty of all health boards and health officers in the townships to take cognizance of and report or prosecute all violations of this act that may be brought to their notice, or they may have cognizance of within their jurisdiction. Who to investigate and prosecute.

SEC. 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

Approved April 22, 1897.

[No. 85.]

AN ACT to amend section one of act number one hundred and ten of the acts of the legislature of the State of Michigan of eighteen hundred and eighty-nine, entitled "An act to provide for the reorganization of corporations or associations for religious, charitable, benevolent or educational purposes, the corporate term of existence of which has heretofore expired, or may hereafter expire by limitation, and to fix the duties and liabilities of such renewed corporations or associations," approved May twenty-three, eighteen hundred and eighty-nine, the same being section number four thousand nine hundred and four c of volume three of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number one hundred and ten of the acts of the legislature of the State of Michigan of eighteen hundred and eighty-nine, entitled "An act to provide for the reorganization of corporations or associations for religious, charitable, benevolent or educational purposes, the corporate term of existence of which has heretofore expired, or may hereafter expire by limitation, and to fix the duties and liabilities of such renewed corporations or associations," approved May twenty-three, eighteen hundred and eighty-nine, the same being section number four thousand nine hundred and four c of volume three of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Corporation to
reorganize
under the re-
spective acts
under which
they were
originally
organized.

SECTION 1. That any corporation or association organized for religious, charitable, benevolent or educational purposes, whose corporate term of existence has expired or may hereafter expire by limitation, may reorganize under the respective acts under which said corporation or association was originally organized and the several acts amendatory thereof, so as to become subject to the provisions of said original acts severally and the several amendments thereof, whenever the trustees, wardens and vestrymen or other proper persons, *de jure* or *de facto*, shall execute and file articles of association or agreement as provided in said respective original acts and the several acts amendatory thereof. Said trustees, wardens, vestrymen or other proper persons, *de jure* or *de facto*, are hereby authorized by their names of office to make, sign, acknowledge, execute and file one or more articles of association or agreement as provided in said respective original acts and the several acts amendatory thereof, which articles shall, in addition to the requisites in said original acts severally and the several acts amendatory thereof, set forth that they are executed for the purpose of reorganizing said corporation or association according to the provisions of this act, and such articles shall be deemed sufficient when so executed and filed, although the number of signers shall be less than that required in said

File one or
more articles
of association.

Former num-
ber of signers
not necessary.

several original acts and the several acts amendatory thereof, if they shall constitute a majority of such trustees, wardens, vestrymen or other proper persons, *de jure* or *de facto*. Upon the execution and filing of said articles, such corporation or association shall, without further action, be deemed to all intents and purposes reorganized and the corporate identity of such corporation or association shall continue unchanged. After filing articles such corporation shall be reincorporated.

This act is ordered to take immediate effect.

Approved April 22, 1897.

[No. 86.]

AN ACT for the protection of certain fur bearing animals.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful for any person or persons to trap, catch, kill or destroy, or attempt to trap, catch, kill or destroy, by any means whatsoever, any beaver in this State until the thirty-first day of December, nineteen hundred and five. Unlawful to destroy beaver.

SEC. 2. No person shall hunt, trap, catch, kill or destroy, or attempt to hunt, trap, catch, kill or destroy, within this State, by any means whatsoever, any otter, fisher, or marten, from the first day of May in each year to the fifteenth day of November following thereafter. Unlawful to destroy otter, fisher, or marten.

SEC. 3. It shall be the duty of every person having knowledge or information that acts amounting to a violation of this act have been committed to at once report the same to the State Game and Fish Warden, or to the deputy game and fish warden residing in or having supervision over the county wherein the alleged violation was committed, or to the prosecuting attorney of such county, whose duty it shall be to forthwith prosecute the offender. Every person to give information of a violation of this act.

SEC. 4. Any person who shall be found guilty of a violation of any provision contained in the foregoing act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than ten dollars, nor more than fifty dollars, and the costs of prosecution, or imprisonment in the county jail not to exceed ninety days, or both such fine and imprisonment, in the discretion of the court. Violation a misdemeanor.

SEC. 5. All acts and parts of acts contravening any of the provisions of this act are hereby repealed. Penalty.

Approved April 22, 1897.

[No. 87.]

AN ACT to provide for an extension of the corporate life of life insurance companies, organized under the laws of the State, whose term of existence would otherwise expire, and to fix the duties and liabilities of such renewal corporations.

Extension of
corporation.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any life insurance corporation, whose term is about to expire by limitation, at any time within two years next preceding the expiration of such term, by a vote of two-thirds of its capital stock, at any annual meeting, or at any special meeting of its stockholders called for that purpose, to direct the continuance of its corporate existence for such further term not exceeding thirty years from the expiration of the existing term, as may be expressed in a resolution for that purpose. The president and secretary of such stockholders' meeting shall make and sign duplicate copies of such resolution, and its passage shall be verified by the oath of such secretary attached to each of such duplicates. One of said copies shall be filed in the office of the Secretary of State and one with the clerk of the county where the principal office of the corporation is located, and both shall be recorded at the expense of said corporation, and the copies so filed, or the record thereof, or certified copies, of either of such records, shall be *prima facie* evidence of the passage of such resolution and of the extension of said corporate life, provided that the franchise fee, which may be provided by law for new corporations, shall be paid before such term shall be extended.

To file copies
in office of
Secretary
of State and
county clerk.

Renewal,
term of.

SEC. 2. The renewal term of such corporation shall begin from the expiration of the former term, and the corporation whose term has thus been renewed shall be the same corporation, and own all its property, and be subject to all its liabilities, have the same stockholders and members and the same officers. The rights of all persons interested in said corporation shall continue as before such extension. The articles of association and by-laws shall continue the same until changed or amended by the corporation in the manner required by law.

Rights of
interested
persons.

Approved April 22, 1897.

[No. 88.]

AN ACT to amend section nineteen of chapter nine of act number three of the public acts of eighteen hundred and ninety-five, being "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section nineteen of chapter nine of act number three of the public acts of eighteen hundred and ninety-five, being "An act

to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," be and the same is hereby amended so as to read as follows:

SEC. 19. Moneys received for such sale shall be paid over to the village treasurer. All of the provisions of the general tax law relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this act. Moneys to be paid to the village treasurer.

Approved April 22, 1897.

[No. 89.]

AN ACT to prevent the destruction of signs, bills and notices of any lawful nature whatever, posted on any private lands in any county of this State, if placed by the owner, lessee, or by their knowledge and consent, and to provide a penalty for violation thereof.

SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for any person or persons to wilfully tear down, destroy or in any manner deface any signs bills or notices on any private lands of this State, or on any lots or premises in any city, town or village, providing such signs, bills or notices are not in violation of any general law of the State or municipal ordinance, and providing they are placed by the owner, lessee, or by their consent. Unlawful to destroy bills, notices, etc.

SEC. 2. Any person or persons violating the provisions of this act shall, on conviction thereof, pay a fine of not less than one dollar or more than fifty dollars, or shall be confined in the county jail not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court. Penalty for violation.

Approved April 22, 1897.

[No. 90.]

AN ACT to authorize the trustees of the Eastern Michigan Asylum to erect and equip a laundry building and to provide electric lighting for said asylum.

SECTION 1. *The People of the State of Michigan enact,* That the trustees of the Eastern Michigan Asylum be and they are hereby authorized and empowered to erect at said asylum, on lands belonging to the State of Michigan, a suitable building to be used as a laundry for said asylum. Laundry, erection of building for.

Electric light. SEC. 2. Said trustees are also empowered to provide electric lighting for said asylum, and to purchase and install the necessary machinery for the same.

Amount to be expended. SEC. 3. For the purpose of erecting and equipping said laundry and providing said electric lighting for said asylum, the trustees of said Eastern Michigan Asylum are hereby authorized to expend any funds in the treasury of said asylum not exceeding thirty thousand dollars.

This act is ordered to take immediate effect.

Approved April 22, 1897.

[No. 91.]

AN ACT to require all toll roads to construct, reconstruct, repair and maintain their roads in good repair, and of the same material and in the same manner as required by their charters, and to provide for township toll road commissioners to enforce the same, and to define their powers and duties.

Commissioner of highways to be a toll road commissioner. Duties.

SECTION 1. *The People of the State of Michigan enact*, That after the passage of this act it shall be the duty of the commissioner of highways of any township through which any toll road may enter or pass, to act as toll road commissioner, and he shall require all toll road companies in any such township in this State to construct, reconstruct, repair and maintain their roads in good repair, and of the same material and in the same manner as required by their charters, within six months after the passage of this act. All toll road companies who fail or neglect to comply with the provisions of this act shall be considered to have abandoned their road, and they shall cease thereafter to take toll, and no person travelling over such toll road shall be required to pay toll thereafter.

Penalty for neglect to comply with provisions of this act.

Notice to be given companies to repair.

Penalty for not repairing.

Toll roads to be examined by commissioner.

SEC. 2. All toll road companies who comply with the provisions of this act, within the time prescribed in section one (1) of this act, shall be required by said township toll road commissioner to maintain all such toll roads as herein required, and in default thereof, after being notified by said toll road commissioner to repair such roads as herein provided, for any three consecutive months, then said toll roads shall be considered abandoned, and all such toll roads shall have no further right to collect toll, and shall cease to take toll thereafter, and no person shall be required to pay toll for travelling thereon after such abandonment as herein provided.

SEC. 3. Said township toll road commissioner shall examine all toll roads in his township when he shall have reason to believe they may not be properly kept in condition as provided in their charters. Also, when required so to do by

any taxpayer in any township into or through which any toll road may run, who shall make affidavit that he believes any such toll road company is violating any of the terms or conditions of its charter, or is not keeping its road in good condition, and present such affidavit to such toll road commissioner, and in case he shall find such road or any portion thereof not kept up to the requirements provided herein, he shall immediately notify such toll road company of such defects as he may find, and he shall require them to repair and put into such condition as herein required within sixty days. And in default thereof, the commissioner shall immediately make a certificate of such fact and file the same with the township clerk of his township, and such toll road shall be considered abandoned, and all such toll road companies shall cease to take toll for travelling thereon after such abandonment, and no person shall be required to pay toll for travelling thereon after such abandonment. After said certificate has been so filed, said toll road commissioner shall notify any such toll road company in writing of the filing of such certificate, and said company shall have no right thereafter to obstruct said road or prevent persons from passing over the same, or any part thereof, and it shall be the duty of said toll road commissioner to prevent such obstructions, or to remove them if placed in said roads, as provided in any other of the highways of his township. Whenever any toll road commissioner, after a full and complete investigation and hearing the evidence offered by parties concerned, shall determine that the said toll road in question is not maintained in accordance with the conditions and provisions of its charter, said toll road, or toll road companies, may within twenty days after such finding, appeal, as in other cases provided, from the decision of said commissioner to the circuit court in chancery of the same county. But the orders of said commissioner shall be and remain in full force until revoked by the order of the said court.

Notify company of defects.

Penalty for not repairing defects.
Shall not obstruct road.

May appeal to circuit court.

SEC. 4. Any township highway commissioner, coming under the provisions of this act, who shall refuse, fail or neglect to perform his duties as herein provided, shall be guilty of a misdemeanor, and upon prosecution and conviction shall be fined not to exceed one hundred dollars (\$100), or imprisonment in the county jail not to exceed ninety days, or both, in the discretion of the court.

Penalty for neglect of duties.

SEC. 5. All acts and parts of acts in anywise contravening the provisions of this act are hereby repealed.

Repealing clause.

Approved April 22, 1897.

[No. 92.]

AN ACT to amend sections numbered two, five, ten and fourteen of act number one hundred and eighty-four, session laws of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, one thousand eight hundred and ninety-five.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections numbered two, five, ten and fourteen of act number one hundred and eighty-four, session laws of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, eighteen hundred and ninety-five, be and the same is hereby amended so as to read as follows:

Age of children employed in manufacturing establishments.

SEC. 2. No child under fourteen years of age shall be employed in any manufacturing establishment within this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birth-place, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any manufacturing establishment to hire or employ any child under the age of sixteen years without there is first provided and placed on file a (sworn) statement in writing made by the parent or guardian, stating the age, date and place of birth of said child. If said child have no parent or guardian, then such statement shall be made by the child, which statement shall be kept on file by the employer, and which said register and statement shall be produced for inspection on demand made by any factory inspector appointed under this act.

Sworn statement to be made as to age.

Hoisting shafts or well holes to be inclosed.

Elevator openings to have automatic gates, etc.

Duties of factory inspector.

SEC. 5. It shall be the duty of the owner, agent or lessee of any manufacturing establishment where hoisting shafts or well holes are used to cause the same to be properly inclosed and secured. It shall also be the duty of the agent, owner or lessee to provide or cause to be provided at all elevator openings such proper trap or automatic doors or automatic gates so constructed as to open and close by the action of the elevator either ascending or descending. The factory inspector, assistant factory inspector and deputy factory inspectors shall inspect the cables, gearing or other apparatus of elevators in manufacturing establishments at least once each year, and more frequently if necessary, and require that the same be kept in a safe condition.

SEC. 10. Every factory in which five or more persons are employed and every factory or workshop in which two or more children, young persons or women are employed, shall be supplied with proper wash and dressing rooms, and kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance, and shall be provided within reasonable access with a sufficient number of proper water closets, earth closets or privies, for the reasonable use of the persons employed therein; and whenever two or more male persons and one or more female persons are employed as aforesaid, a sufficient number of [separate] separate and distinct water closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

What factories to be supplied with dressing rooms.

Where females are employed water closets to be kept separate.

SEC. 14. Sections one, two and three of this act shall not apply to canning factories or evaporating works, but shall apply to any other place where goods, wares or products are manufactured, repaired, cleaned or sorted in whole or in part; but no other person, persons or [corporation] corporations employing less than five persons or children, excepting in any of the cities of this State, shall be deemed a manufacturing establishment within the meaning of this act.

Certain sections not to apply to canning factories.

Approved April 24, 1897.

[No. 93.]

AN ACT to amend sections one, four and five of an act entitled "An act to regulate the admission to practice of attorneys, solicitors and counsellors, to provide for a board of examiners, and to repeal conflicting acts," being act number two hundred and five of the public acts of eighteen hundred and ninety-five.

SECTION 1. *The People of the State of Michigan enact.* That sections one, four and five of an act, entitled "An act to regulate the admission to practice of attorneys, solicitors and counsellors, to provide for a board of examiners, and to repeal conflicting acts," being act number two hundred and five of the public acts of eighteen hundred and ninety-five, be amended so as to read as follows:

Sections amended.

SECTION 1. That any person graduated from the law department of the University of Michigan or the Detroit College of Law after the passage of this act, having taken the full prescribed three years' course in said department or said college shall be admitted to practice at the bar of all the courts of this State upon the production of his diploma duly issued by

Graduates of University and Detroit Law College to be admitted to practice.

May be admitted by supreme or circuit court. the board of regents of said University or the trustees of said college. Such graduate may be admitted to practice by the supreme court or any circuit court of the State on motion and upon taking the constitutional oath, the clerk will issue under the seal of the court a certificate of admission to the bar.

Governor to appoint board of examiners. SEC. 4. The Governor shall, on the recommendations of the supreme court, and on or before the first day of July, eighteen hundred and ninety-five, appoint a board of examiners, composed of five competent lawyers of this State, for the examination of applicants for admission to the bar, whose term of

Term of board. office shall be as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter each year the Governor on like recommendation shall appoint one member of the board of examiners for the term of five years. Such board shall meet at the capitol,

Meetings. in the city of Lansing, at least twice in each year during the session of the supreme court, and also at other times and places in the State, if the supreme court shall so direct, for the purpose of examining all applicants for admission to the bar as to their legal learning and general qualifications to practice in the several courts of this State as attorneys and counsellors at law and solicitors and counsellors in chancery, and upon such examination being had, the board shall issue to such applicants as shall pass the required examination the certificate of qualification stating the standing of the applicants and recommending their admission to the bar. Such board shall elect from their number a secretary and a treasurer, and shall make such rules and regulations, relative to said examination as to them may seem proper. The president of said board shall be the member whose term of office soonest expires. Three members of said board shall constitute a quorum for the transaction of business.

Affidavit of applicant, what to show. SEC. 5. The residences and names of the applicants shall be made to appear to said board by affidavit; and satisfactory evidence shall also be produced by such applicants of their good moral character and that they have studied law three years; and a fee to be fixed by said board of not more than ten dollars shall accompany the application. The applicant shall be required to submit to a written examination, which shall be prepared by such board, also an oral examination by the board, and shall be required to answer a minimum of seventy per cent of the questions given him to entitle him to the certificate of the board.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 94.]

AN ACT to incorporate Christian, Christian unity, Christian union, and independent or undenominational churches.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons above the age of eighteen, not less than five, who are members in good and regular standing in the church proposing to incorporate, to form themselves into a corporate body by signing articles of association containing the following items:

Number may incorporate.

First, The name of the said church;

Name.

Second, The township, village or city, and the county in which said church shall be located;

Location.

Third, An agreement to worship and labor together as a church of Jesus Christ, accepting his teachings, character and spirit as the divinely authorized rule and guide of Christian conduct, and pledging themselves to strive after that character and spirit;

Character.

Fourth, The number of trustees and the names of those composing the first board and the date when the term of each shall expire;

Trustees.

Fifth, That all other matters pertaining to such corporate church shall be governed by the by-laws adopted from time to time by a two-thirds vote of the members present at any regular meeting, due notice of such meetings having been given for two weeks next preceding such regular meeting.

Government of corporation.

SEC. 2. The articles of association shall be signed and acknowledged before any person authorized to take acknowledgment of deeds, and recorded in the office of the county clerk of the county where such church is to be located; when such church, organized as above, shall be a body corporate, possessing all the powers and privileges and subject to all the liabilities of other like corporations organized under the laws of the State of Michigan.

Articles of association to be filed in office of county clerk.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 95.]

AN ACT to prevent male and female persons over fifteen years of age from debauching the persons and depraving the morals of boys under fifteen years of age.

SECTION 1. *The People of the State of Michigan enact*, That any female person over the age of fifteen years, who shall knowingly and wilfully debauch the person and deprave the morals of any boy under the age of fifteen years, either by

Unlawful for females to debauch males under fifteen years of age.

Penalty.

lewdly inducing or enticing any such boy to carnally know any such female person, or by indecent bodily contact with the person of any such boy communicating to him any venereal or other loathsome disease, shall be deemed guilty of a felony, and, upon conviction thereof, be punished by imprisonment in the State Prison for not more than five years, in the discretion of the court.

Unlawful for males to debauch boys under fifteen years of age.

SEC. 2. Any male person over the age of fifteen years who shall debauch and deprave the morals of any boy under fifteen years of age, by enticing or soliciting such boy to commit the abominable and detestable crime against nature, either with any man or beast, or who shall himself commit or attempt to commit the abominable and detestable crime against nature with or upon any such boy, whether with or without the consent of such boy, shall be deemed guilty of a felony, and upon conviction thereof be punished by imprisonment in the State Prison for not more than five years, in the discretion of the court.

Penalty.

Approved April 28, 1897.

[No. 96.]

AN ACT to amend section two of act number two hundred and twenty-two of the public acts of eighteen hundred and eighty-seven, being compiler's sections number nine thousand three hundred and fifteen *d* of Howell's annotated statutes, entitled "An act to prevent crime and to punish truancy."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number two hundred and twenty-two of the public acts of eighteen hundred and eighty-seven, being compiler's section number nine thousand three hundred and fifteen *d* of Howell's annotated statutes, entitled "An act to prevent crime and to punish truancy," be and the same is hereby amended so as to read as follows:

Upon complaint of parent, guardian, etc., of children for truancy, warrant to be issued.

SEC. 2. Upon complaint upon oath and in writing made before any justice of the peace or other court or magistrate having like criminal jurisdiction, by the parent or guardian of any girl between the ages of ten and seventeen years, or any boy between the ages of ten and sixteen years, or by the supervisor of any township, or the mayor of any city, or president of any village, and in cities of over eight thousand population by the chief of police, truant officer or any member of the city police, that any such minor has been guilty of any of the acts specified in section one of this act, such justice of the peace, or other court or magistrate, shall issue his warrant for the

arrest of such minor, and after trial and upon conviction of the offense charged in said complaint such minor, if a boy, may be sentenced to the Industrial School for Boys at Lansing, and if a girl, to the State Industrial Home for Girls at Adrian; boys until seventeen years of age and girls until twenty-one years of age, unless sooner discharged according to law: *Provided*, That no person or persons shall be sent to either of said institutions until the sentence therein has been submitted to and approved by a circuit judge of the circuit, or the judge of probate of the county in which such conviction shall be had.

Where sentenced.

Proviso as to approval of sentence.

Approved April 28, 1897.

[No. 97.]

AN ACT to provide for the incorporation of the Finnish Temperance Friends' Association of America.

SECTION 1. *The People of the State of Michigan enact*, That the grand and subordinate lodges of the Finnish Temperance Friends' Association of America, of the State of Michigan, may be incorporated in pursuance of this act.

Incorporation of Finnish Temperance Friends' Association.

SEC. 2. Any ten or more persons, of the ages of sixteen years and upwards, residents of this State, desirous to become incorporated, may, on the consent of the grand lodge of the Finnish Temperance Friends' Association of America, make and execute articles of association under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, shall set forth:

Number may incorporate.

First, The names of the persons associating in the first instance, and their [places] place of residence;

Names and place of residence.

Second, The corporate name by which such association shall be known in the law and the place of its business office;

Corporate name.

Third, The period for which it is incorporated, which shall not exceed thirty years;

Period of incorporation.

Fourth, The object and purposes of such association, which shall be to promote the general welfare of the fraternity known as the "Finnish Temperance Friends' Association of America."

Object and purposes.

SEC. 3. Such articles of association shall be filed with the Secretary of State, and thereupon the persons who have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession and shall be persons in the law capable to sue and be sued, may have a common seal, which may be changed at pleasure, and receive, hold and enjoy

Articles of association to be filed in office of Secretary of State.

estates, real and personal, and may give, grant, sell, lease, demise and dispose thereof: *Provided*, That such estate and the proceeds, rents and incomes thereof shall be devoted exclusively to the charitable and benevolent purposes of the association.

Rules and regulations of corporation.

SEC. 4. Such corporation shall have full power to make and establish rules, regulations and by-laws not repugnant to the laws of this State, and to designate, elect and appoint from its members, such officers under such style and with such duties as shall be in accordance with the constitution and by-laws of such association. And subordinate lodges shall have full power to create, hold and disburse beneficiary, relief, general or other funds for the benefit of sick or disabled members or of the families and heirs of deceased members of said subordinate lodges of said association, and to levy assessments upon the members of said subordinate lodges for the purpose of raising the beneficiary, relief, general or other funds: *Provided*, That nothing in this section shall be construed as giving to a grand lodge power to make assessments for the purpose of paying sick benefits.

Proviso as to assessments.

Articles of association to be prima facie evidence. SEC. 5. A copy of the record of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation.

SEC. 6. Such corporation when formed shall have power to institute and charter subordinate lodges within this State, and from time to time to make, ordain, constitute and establish such general laws, by-laws, ordinances and regulations for the government of such subordinate lodges not repugnant to law as shall seem to be necessary and proper, and in case of non-compliance therewith to revoke and annul the charter granted to any such subordinate lodge: *Provided, however,* That the existing subordinate lodges heretofore duly chartered by the grand lodge shall be subject to the control of such grand lodge as heretofore, and in the same manner and to the same extent as those which may hereafter be chartered under this act.

Articles to be acknowledged and filed in office of county clerk.

SEC. 7. Such articles shall be acknowledged before a notary public, and a copy thereof shall be filed with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the [persons] person who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law capable to sue and be sued, to have a common seal which may be altered or changed at their pleasure, to purchase, take, receive, hold and enjoy, for themselves and their successors, estates, real and personal, and to give, grant,

To be a body politic.

May sue and be sued.

sell, lease, demise and dispose of such estates: *Provided*, That the value of such real estate, exclusive of the buildings authorized by the ninth section of this act, shall not exceed the sum of five thousand dollars, and that the proceeds, rents and incomes thereof shall be devoted exclusively to the charitable and benevolent purposes of the fraternity known as the Finnish Temperance Friends' Association of America. Proviso as to amount of real estate.

SEC. 8. A certified copy of the [record] records of such articles of association, under the seal of the [county] country where the record is kept, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation. Certified copy of record to be prima facie evidence.

SEC. 9. Any corporation, other than a grand lodge, formed in pursuance of this act, may erect and own such edifice, building or hall as it shall deem proper, with convenient rooms for the meetings of lodges of the order, and for that purpose may create a capital stock of not more than five thousand dollars, to be divided into shares of not more than one hundred dollars each. May erect buildings, etc., for lodge rooms.

SEC. 10. Corporations formed in pursuance of this act shall not be permitted to engage in the business of life insurance, nor shall they be subject to the provisions of the statutes relating to life insurance or mutual benefit companies, associations or corporations. Not permitted to do life insurance.

Approved April 28, 1897.

[No. 98.]

AN ACT to amend section eleven of act number one hundred fifteen of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the government, management and control of the State Public School at Coldwater, and to repeal all acts or parts of acts inconsistent with this act."

SECTION 1. *The People of the State of Michigan enact*, That section eleven of act number one hundred fifteen of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the government, management and control of the State Public School at Coldwater and to repeal all acts, or parts of acts inconsistent with this act," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 11. The said board of control is authorized to designate some officer, teacher or other employé connected with said school to be the agent thereof, who shall be known as the agent of the State Public School, and one other person to be known as attendant whose duties shall be prescribed by said board, and who shall act in that capacity during the pleasure Person as agent.

Duties of
agents.

Contracts,
right to
cancel.

Compensa-
tion.
Traveling
expenses.

of said board. That his duties as such agent shall be prescribed by said board, and shall include visiting, at such time as the board shall direct, the wards of said board which have been placed in families, and reporting to said board the condition of such children, and any failure to comply with the terms of the indenture contracts; and that it shall also be his duty to find homes for children of this school, to investigate applications for such children, and to enter into contracts in writing on behalf of said board, with persons taking such children, such contracts to contain a clause reserving to said board the right to cancel the same when, in the opinion of said board, the interest of the child requires it, and may also contain a clause authorizing the person taking the child to cancel the same any time within sixty days from the date of the contract, on returning said child to the school free of all expenses; that the authority herein given said agent is also hereby conferred upon the superintendent of said school, except as to the approval of homes; that the salary and necessary traveling expenses of said agent and of said attendant shall be first examined and allowed by said board, and shall then be audited by the Board of State Auditors, and paid from the general fund.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 99.]

AN ACT to provide for the change of rules of evidence in cases where bills in aid of execution are filed.

Change of
rules of evi-
dence.
Complainant
to introduce
evidence as to
judgment, etc.

Where burden
of proof to
rest.

SECTION 1. *The People of the State of Michigan enact*, That in all suits begun or hereafter to be begun by the filing of bills in aid of execution, the complainant shall make a *prima facie* case by introducing in evidence the judgment against the principal defendant, the execution with the levy or levies thereon indorsed and proof of the conveyance or conveyances complained of. The burden of proof shall then be upon the judgment debtor, or the person or persons claiming through or under him or the person or persons whom it is claimed are holding property in trust for said judgment debtor to show that the transaction or transactions are in all respects *bona fide* or that such person or persons are not holding as a trustee or trustees of said judgment debtor.

Approved April 28, 1897.

[No. 100.]

AN ACT to amend act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads and to prescribe the powers and duties of the officers having charge thereof," by adding two new sections thereto.

SECTION 1. *The People of the State of Michigan enact, That* act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads and to prescribe the powers and duties of the officers having charge thereof," be and the same is hereby amended by adding two new sections thereto, to read as follows:

Section
amended.

SEC. 25. The board of supervisors of any county which has adopted or may hereafter adopt the county road system, may in like manner as provided in section one of this act by resolution submit the question of rescinding the vote by which it was adopted, and such resolution and all proceedings subsequent thereto shall, as nearly as may be, follow the forms and manner of proceedings in this act provided for voting on the question of adopting the county road system.

Board of
supervisors
having adopt-
ed county
road system,
may submit
rescinding
vote.

SEC. 26. When any county shall rescind the vote by which it has adopted the county road system, this act shall cease to be operative except for the purpose of completing work under contract at the time of such rescission. The funds then remaining in the county treasury or thereafter paid therein to the credit of the county road tax shall be placed in the general fund of said county. When any county shall have adopted the county road system and such adoption shall have been declared null and void by any court of competent jurisdiction, all moneys remaining in the county road fund, or thereafter placed therein, shall, upon resolution of the board of supervisors, be placed in and become a part of the general fund of such county. All county roads shall become township roads, and all highways and bridges shall thereafter be laid out, built and maintained in all respects as though such county had never adopted the county road system.

When county
shall rescind
vote on road
system.

Money when
to become
part of gen-
eral fund.

Roads and
bridges.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 101.]

AN ACT for regulating the marking of high explosives.

High explosives marked, branded or stamped.	SECTION 1. <i>The People of the State of Michigan enact</i> , That no person shall within this State manufacture, sell, keep for sale, or offer for sale, any high explosive, which is not marked, branded or stamped as in this act provided.
Per cent of disruptive force. Trade mark, address.	SEC. 2. Every manufacturer of dynamite, or other high explosive, shall put a brand or mark on each case distinctly showing the percentage of disruptive force contained in each cartridge in said case, and the name, or trade mark, and the address of said manufacturer.
For sale not properly marked.	SEC. 3. No person by himself, agents or servants shall sell, keep for sale, or offer for sale, any dynamite, or other high explosive not branded, or marked as provided in section two of this act.
False brand or mark deemed a misdemeanor.	SEC. 4. Any person, who shall falsely brand, mark, or stamp any such explosive, or who shall sell, keep for sale, or offer for sale, any high explosives bearing any false brand or mark, shall be deemed guilty of a misdemeanor, and be punished as provided in section five of this act.
Violation.	SEC. 5. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars together with costs of prosecution, or by imprisonment in a common jail in the county where convicted, or in the Detroit House of Correction not less than sixty nor more than ninety days, or both such fine and imprisonment in the discretion of the court.
Penalty.	
Definition of explosives.	SEC. 6. All explosives commonly known as "high explosives," shall be deemed to be within the meaning of this act.
	Approved April 28, 1897.

[No. 102.]

AN ACT to amend an act entitled, "An act to provide for the formation of street railway companies," approved March fifth, eighteen hundred sixty-seven, by adding three new sections thereto to be known as sections thirty-four, thirty-five and thirty-six.

Act amended.	SECTION 1. <i>The People of the State of Michigan enact</i> , That an act entitled "An act to provide for the formation of street railway companies," approved March five, eighteen hundred and sixty-seven, be and the same is hereby amended by adding
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three new sections thereto to be numbered thirty-four, thirty-five and thirty-six, and to read as follows:

SEC. 34. Corporations organized under this act may do a suburban express business and may carry farm produce, garden truck, milk, merchandise and other light freight: *Provided*, That no cars for the conduct of any such business shall be operated on any street railway within the limits of any incorporated city or village in the day time, between eight o'clock in the morning and eight o'clock in the evening, without the consent of the municipal authorities, and under such rules and regulations as they may prescribe.

What corporations may do suburban express business. Not to be done during certain hours.

SEC. 35. All street railway corporations organized or doing business under this act shall be subject to the supervisory control of the Commissioner of Railroads as provided by act number one hundred and seventy-one of the public acts of eighteen hundred and ninety-three, and the Commissioner of Railroads shall also have power to make from time to time reasonable rules and regulations for the operation of the street railways of such corporations in the conduct of the suburban express business they are authorized to carry on by this act as amended.

Subject to control of railroad commissioner.

SEC. 36. That every person who places upon any street railway any timber, stone, iron or any other obstruction or who shall loosen or displace any rail of the track of such railway or shall break down or displace, destroy or injure any bridge, culvert or embankment of any such street railway or do any other act with intent to endanger the safety of any person traveling or being upon such street railway or to throw from such street railway any motor car, trailer car or car moving along the track of such street railway on which shall be any person injured thereby shall be punished by imprisonment in the State Prison for life or for a term of years.

Obstruction to street railway.

Penalty for.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 103.]

AN ACT to amend act number one hundred eighty-three of the public acts of eighteen hundred seventy-three, being compiler's sections five thousand six hundred ninety-one and five thousand seven hundred sixteen of Howell's annotated statutes entitled "An act to amend section one, of an act entitled, 'An act to confirm the record of letters of attorney in certain cases,' approved April seventeenth, eighteen hundred seventy-one, being section four thousand two hundred fifty-six of the compiled laws of eighteen hundred seventy-one, and to add a new section thereto to stand as section two, relative to certified transcript copies of deeds, instruments, and letters of attorney, conveying title to real estate."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of an act entitled, "An act to amend section one of an act entitled 'An act to confirm the record of letters of attorney in certain cases,' approved April seventeenth, eighteen hundred seventy-one, being section four thousand two hundred fifty-six of the compiled laws of eighteen hundred seventy-one, and to add a new section thereto to stand as section two, relative to certified transcript copies of deeds, instruments and letters of attorney conveying title to real estate, being sections five thousand six hundred ninety-one and five thousand seven hundred sixteen of Howell's annotated statutes, be and the same are hereby amended so as to read as follows:

Record of
letters to be
prima facie
evidence.

SECTION 1. (5691.) That any letter of attorney or other instrument containing a power to convey lands, as agent or attorney for the owners of such lands, executed and acknowledged in the manner provided by the statutes of this State for the execution and acknowledgment of deeds or other conveyances of land, and which shall have been actually recorded in the office of the register of deeds in any county in the State prior to the first day of March in the year eighteen hundred forty-seven, may be proved in any court by the production of such record or a duly certified copy thereof and such record or a duly certified copy, shall be *prima facie* evidence of the due execution and acknowledgment of such letter of attorney or other instrument.

Register of
deeds to fur-
nish tran-
script when
an instrument
entitled to
record in
more than
one county is
destroyed pre-
vious to such
record.

SEC. 2. (5716.) When deeds and instruments conveying title to real estate or any letter of attorney or other instrument containing a power to convey lands as agent or attorney for the owners of such lands, executed and acknowledged in the manner provided by the statutes of this State for the execution and acknowledgment of deeds or other conveyances of land, shall have been actually and regularly recorded in the office of the register of deeds of any of the counties of the State; and when such deeds, mortgages, instruments or other papers duly executed and designed for and entitled to record in more than one county of the State; and when such original papers have been consumed by fire or otherwise destroyed or lost before such other records have been completed; on satisfactory proof of such loss or destruction being made to the circuit judge of the district wherein such papers have been recorded, he may make an order authorizing the register of deeds to furnish certified transcript copies of such deeds, mortgages, instruments or other papers as set forth in this section. When such papers, with the circuit judge's order attached thereto, shall be presented to the register of deeds for any county of this State, it shall be the duty of such register to record the same; and when so recorded, such copy, and the record thereof, shall be as valid and entitled to the same credit in all matters of notice and proof of title as where the originals have been so entered on

Register of
deeds to
record papers
when pre-
sented.

record; and a certified copy thereof, and such record or a duly certified copy shall be *prima facie* evidence of the due execution and acknowledgment of such letter of attorney or other instrument. When recorded to be prima facie evidence.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 104.]

AN ACT to amend chapter ninety-one of Howell's annotated statutes, being an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," being act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three approved May one, eighteen hundred and seventy-three as amended by act number one hundred and seventy-seven of the session laws of eighteen hundred and seventy-seven, and act number two hundred and thirty of the public acts of eighteen hundred and eighty-seven, and act number two hundred and two of the public acts of eighteen hundred and eighty-nine, and acts numbered fifty-two, ninety, and one hundred and twenty-three of the public acts of eighteen hundred and ninety-one, and to add two new sections to said chapter to stand as sections twenty-six and twenty-seven of article five.

SECTION 1. *The People of the State of Michigan enact, That* chapter ninety-one of Howell's annotated statutes being an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," being act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, approved May one, eighteen hundred and seventy-three, as amended by act number one hundred and seventy-seven of the session laws of eighteen hundred and seventy-seven, and act number two hundred and thirty of the public acts of eighteen hundred and eighty-seven, and act number two hundred and two of the public acts of eighteen hundred and eighty-nine, and acts numbered fifty-two, ninety, and one hundred and twenty-three of the public acts of eighteen hundred and ninety-one, be amended by adding thereto two new sections to stand as sections twenty-six and twenty-seven of article five of said act, said sections to read respectively as follows, viz.:

Definition of the term "baggage" what to include.

SEC. 26. The words "Ordinary baggage" and "Baggage" wherever used in this act, and in the acts amendatory thereto, shall be deemed to include bicycles, and no passenger shall be required to crate, cover, or otherwise protect any such baggage, provided each passenger shall be entitled to have but one bicycle transported under the provisions of this act.

Railroad companies to equip their baggage cars for the transportation of bicycles.

SEC. 27. All railroad companies shall equip their baggage cars with hooks, racks or other appliances for the safe and convenient storage and transportation of bicycles. Such hooks, racks or other appliances shall be of such construction as not to scratch, mar or injure the bicycle in any way. Any railroad company whose baggage cars are equipped as above provided shall not be liable for any damage to any bicycle while being stored or transported, unless such damage results from carelessness or negligence of its employees.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 105.]

AN ACT to authorize and empower judges of probate, in certain cases, to license executors, administrators and guardians to borrow money by mortgaging or otherwise pledging the estates of deceased persons and persons under guardianship, and to repeal act one hundred sixty-five, laws of Michigan of eighteen hundred sixty-one, entitled "An act to authorize and empower judges of probate to license executors, administrators and guardians to mortgage or otherwise pledge estate for the settlement of debts against the same," and acts amendatory thereof.

Judges of probate may authorize borrowing money on estates of deceased persons.

SECTION 1. *The People of the State of Michigan enact, That* the several judges of probate may by order license and empower any executor, administrator or guardian, for the purpose of paying the debts of any deceased person or ward or against the estate of any deceased person or ward, or paying the legacies provided in the last will of any deceased person, or supporting any ward, or making necessary repairs to buildings belonging to such estate or ward, or for the purpose of completing the erection of buildings begun by such deceased person or ward or by some person in his behalf or for his benefit, to borrow money by mortgaging or otherwise pledging the estate of such deceased person or ward, or any part thereof: *Provided*, The authority herein given to mortgage or pledge estate for the payment of debts and legacies shall extend to such estate only as might be sold for such purpose, except a mortgage or other lien exists against the

Proviso as to mortgagee.

homestead of such deceased person or ward, in which case the executor, administrator or guardian may be authorized to mortgage such homestead for sufficient to pay said mortgage or other lien and the necessary expenses connected with such proceedings.

SEC. 2. Such order shall be obtained by a petition to the proper judge of probate, which petition shall contain the like statements as are required in a petition for license to sell such estate by an executor, administrator or guardian, of which application the same notice shall be given, with the same effect, as is required in the case of an order to sell the estate of deceased persons or wards; and such order shall specify the amount to be secured by such mortgage or other security, the rate of interest to be given, and the length of time for which such mortgage or other security shall be given, and also the description of the property to be mortgaged or otherwise pledged; which mortgage or other security the said executor, administrator or guardian shall execute with all the formalities required by law for such securities.

Such license to be obtained by petition to judge of probate.

SEC. 3. That before executing such order, such executor, administrator or guardian, shall give bond in like manner and form, as near as may be, as is required from them by law in case of the sale of such estate, to faithfully execute the trust, and apply and account for moneys thereby received; and said proceedings of the said executor, administrator or guardian, in mortgaging or otherwise pledging such estate, shall be reported to the judge of probate, and by him be subject to be confirmed or vacated, and new proceedings to be had to the same extent and in the same manner as near as may be, as is now provided by law in the case of the sale of such estate.

Executor or administrator, etc., to give bond.

Action of executor subject to approval of judge of probate.

SEC. 4. Act one hundred sixty-five, laws of Michigan of eighteen hundred and sixty-one, entitled "An act to authorize and empower judges of probate to license executors, administrators and guardians to mortgage or otherwise pledge estate for the settlement of debts against the same," as amended by act sixty-seven, public acts of eighteen hundred and eighty-nine, and act seventy-five, public acts of eighteen hundred and ninety-five, being compiler's sections six thousand one hundred and five, six thousand one hundred and six and six thousand one hundred and seven of Howell's annotated statutes, be and the same is hereby repealed.

Act repealed.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 106.]

AN ACT to amend section one of act number two hundred and sixty-six of the public acts of eighteen hundred and ninety-five, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of surety companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," to add a new section thereto providing for the payment of a tax by such companies to stand as section eleven, and to repeal act number one hundred and ninety-four of the public acts of eighteen hundred and eighty-five, entitled "An act to facilitate the giving of bonds required by law."

Act repealed. SECTION 1. *The People of the State of Michigan enact,* That act number one hundred and ninety-four of the public acts of eighteen hundred and eighty-five, entitled "An act to facilitate the giving of bonds required by law," be and the same is hereby repealed; that act number two hundred and sixty-six of the public acts of eighteen hundred and ninety-five, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," be and the same is hereby amended by adding a new section thereto, providing for the payment of a tax by such companies, to stand as section eleven, and that section one of said act be and the same is hereby amended so as to read as follows:

**Authorizing
surety com-
panies to go
on bonds.**

SECTION 1. That whenever any bond, undertaking, recognizance or other obligation is by the law of the State or by the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, or in any judicial or other proceeding, required or permitted to be made, given, tendered or filed with the surety or sureties, and whenever the performance of any act, duty or obligation, or refraining from any act is required or permitted to be guaranteed, such bond undertaking, obligation, recognizance or guarantee may be executed by a surety company qualified to act as surety or guarantor, as hereinafter provided, and such execution by such company of such bond, undertaking, recognizance, obligation or guarantee shall be in all respects in a full and complete compliance with every requirement of every law, charter, ordinance, rule, regulation or order that such bond, undertaking, obligation, recognizance, or guarantee shall be executed by

one surety, or by one or more sureties, or that such sureties shall be residents or householders or freeholders or either or both or possess any other qualifications: *Provided*, That such surety companies shall in no case be accepted as surety on any recognizance for the appearance of persons charged with crime, and that the provisions of this act shall not apply to any bond or recognizance required for the sale of liquors under the laws of this State.

Shall not be surety for persons charged with crime, or on liquor bond.

SEC. 11. Every such corporation shall, as a condition precedent to the renewal of an annual certificate by the Commissioner of Insurance, make and file in the office of the State Treasurer, annually in the month of January of each year on oath or affirmation a statement of the number of guarantees, bonds, covenants, or agreements, which it has signed and issued and the gross amount of premiums received or secured thereon during the year then terminated and shall pay into the State treasury a specific tax of two per cent on the gross amount of all premiums received in money or securities in this State during the said year which said specific tax may be recovered, from any corporation neglecting or refusing to pay the same, in any court at the suit of this State, and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State treasury under the provisions of this act.

Such corporation shall report to State Treasurer annually.

Company shall pay a specific tax of two per cent on gross amount of all premiums.

This act is ordered to take immediate effect.

Approved April 29, 1897.

[No. 107.]

AN ACT appropriating money for the use of the Michigan Asylum for Dangerous and Criminal Insane.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated out of the general fund, of funds not otherwise appropriated, the sum of seventy-eight hundred and seventy-five dollars for the use of the Michigan Asylum for Dangerous and Criminal Insane, to be expended as follows: For the purchase of land available for a water supply, or otherwise expended to secure a water supply, twelve hundred dollars; for the erection and completion of one laundry building, one thousand dollars; for the purchase of laundry machinery, and tile floors in water closets, sixteen hundred and seventy-five dollars; for building, machinery and material for electric lighting plant, four thousand dollars.

Appropriation.

How expended.

SEC. 2. The Auditor General shall add to and incorporate in the State tax of eighteen hundred and ninety-seven the sum of seventy-eight hundred and seventy-five dollars to be assessed, levied and collected as other State taxes are assessed, levied

Auditor General to incorporate in State tax.

and collected; which tax when collected shall be credited to the general fund to reimburse it for the sum appropriated by this act.

Additional
expenses, how
paid.

SEC. 3. Any additional sum required for any of the above items may be taken from unexpended funds to the credit of the asylum.

This act is ordered to take immediate effect.

Approved May 5, 1897.

[No. 108.]

AN ACT to amend sections twenty-seven and forty of act number one hundred and fifty-five of the public acts of eighteen hundred and fifty-one, entitled "An act to provide for the formation of companies to construct plank roads," and to add a new section thereto, providing a penalty for non-compliance with the law.

Act amended. SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and fifty-five of the public acts of eighteen hundred and fifty-one, entitled "An act to provide for the formation of companies to construct plank roads," be and the same is hereby amended by adding a section thereto to stand as section number fifty-three, and that sections twenty-seven and forty of said act be and the same are hereby amended so as to read as follows:

Voters may
allow plank
road company
to use public
highway.

Fees to be de-
posited by
company.

Township
clerk to give
notice of
election.

Number of
freeholders to
sign request.
Time of filing.

SEC. 27. The qualified voters of any township may by a majority vote thereon, at any annual meeting, allow any plank or gravel road company to use the public highways of such township for the purpose of constructing and maintaining a plank or gravel road or roads thereon. Upon the written request of the president of such plank or gravel road company filed with the township clerk, accompanied by a fee of twenty dollars, it shall be the duty of the township clerk to give notice to the electors of the township that the question of allowing the plank or gravel road company making the request to use the highway or highways of the township designated in such written request, shall be submitted to a vote of the qualified electors of such township at the annual township meeting. Said notice shall contain a full and complete description by the metes and bounds of the highway in question, shall state the time of the annual meeting, and shall be posted in five or more conspicuous public places in the township for at least twenty days prior to the annual meeting. The request required by this section to be filed with the township clerk shall be signed by twenty or more freeholders of the township, shall contain a description in full of the highway so desired to be used, and shall be filed with the town-

ship clerk at least forty days preceding the annual township meeting in any year. The vote in any township upon the question of allowing any plank or gravel road company to use any of the highways of such township for the purposes aforesaid shall be by ballot. The ballot shall contain the words, "Shall the right of way be granted," "Yes []," and "Shall the right of way be granted," "No []." Such ballots shall be printed and furnished by the township board. The voter shall designate his choice by making a cross in the square preceding the words "Yes" and "No;" and the ballots shall be received by the board of election inspectors, deposited in a separate ballot box, canvassed and the results declared in the same manner as is provided by statute in the case of the election of township officers: *Provided*, That the right to construct such plank or gravel road shall not be deemed to have been granted unless the affirmative vote shall be equal to a majority of all the votes cast at such annual township meeting. Where the right of way is not granted, the same proposition shall not be again submitted within two years.

Description of ballots.

Canvass.

Proviso as to affirmative vote.

When proposition may be again submitted.

SEC. 40. Each and every plank or gravel road company shall pay to the Treasurer of the State of Michigan an annual tax at the rate of two and a half per cent of the gross earnings of said company for the year preceding the day on which the report required in section thirty-nine of this act is required to be made, which said tax shall be paid on or before the first day of July in each year; and said tax shall be in lieu of all other tax upon the property of said company. Said tax shall constitute a lien upon the buildings, gates and other property of plank or gravel road companies from whom the same shall be due, which lien shall take precedence of all other demands, judgments and liens.

Amount and time of payment of tax by companies.

Tax to constitute a lien on property of company.

SEC. 53. Each and every plank or gravel road company which shall neglect or refuse to make the report required by section thirty-nine of this act, or refuse or neglect to pay the tax required by section forty of this act within thirty days following the first day of July in any year, shall forfeit the right to its franchise, and the right to collect toll, and are hereby prohibited from further exercising rights under its franchise or franchises and from collecting toll until such reports are made and taxes paid. "Any and every member, officer or toll gatherer of such plank or gravel road company who shall collect toll from or detain any person traveling on such highway, said company having failed to make a report or to pay the taxes required as above," shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars and costs of prosecution; or in default thereof not exceeding sixty days' imprisonment in the county jail.

Penalty for not making report and paying tax.

Penalty for collecting toll when tax not paid.

Approved May 7, 1897.

[No. 109.]

AN ACT to provide for police matrons in certain cities of the State, to define their powers and duties, and to provide for designating station houses or departments thereof, for the detention of women and children under arrest in said cities.

Board of aldermen to set apart separate departments in station houses for females.

SECTION 1. *The People of the State of Michigan enact*, That the board of aldermen in every city of ten thousand inhabitants or more, in this State, or in cities having a police commission, the police commission shall, within three months after the passage of this act designate one or more station houses or a separate department in any such station house, or county jail within their respective cities for the detention of all women and children under arrest, and such board of aldermen or police commission may, at any time thereafter so designate any additional station house or station houses or separate department or departments thereof; and may declare such station house or station houses or such separate department or departments thereof to be no longer so designated: *Provided*, At least one station house or separate department thereof shall always remain so designated in such city.

Proviso as to one station house.

Mayor to appoint police matrons.

SEC. 2. Immediately upon such designation of a station house in any city the mayor thereof or, in counties where the prisoners of the county seat as a city are confined in the county jail, the sheriff shall appoint for each station house so designated one or more respectable women, none of whom shall be under twenty-five years of age, who shall be known as police matrons. No woman shall be appointed police matron unless recommended for such office in writing by at least twenty women in good standing and residents in the city in which such appointment is made. The police matron shall not be appointed for any definite term, but shall hold office until removal. She may be removed at any time for cause by the mayor, or, in cities having a police commission, by said commission, or, in county jails where appointed by the sheriff, by said sheriff; by a written order stating the cause of removal. Upon the death, resignation or removal of a police matron, her successor shall be appointed in the manner aforesaid as soon as may be: *Provided*, That in cities having a board of police commissioners the appointment of such police matron shall be made by such board, or in counties where the prisoners of the county seat as a city, are confined in the county jail, the sheriff of said county shall appoint said matron. The respective hours of service of the police matron shall be so arranged by the authorities in charge that in the city of Detroit at least one matron shall at all hours of the day and night be on duty, and in each of the other cities one shall at all hours be near to and within call of each police station designated as above provided. Every police matron within the city of Detroit shall, during her hours of service, remain constantly on duty at the station at which she serves,

Recommendation of police matrons.

Removal.

Vacancy.

Proviso as to board of police commissioners.

Matrons to reside near station house.

and every police matron in each of the other cities shall reside at or near the station to which she is attached and shall hold herself in readiness to answer any call therefrom during her hours of service so long as any woman remains confined therein.

SEC. 4. The police matron shall have, subject only to the general control of the authorities in charge, the entire care of all women and children held under arrest in the station in which she serves or to which she is attached, and she may, at any time, call upon any police officer in such station for assistance.

To be under control of authorities in charge.

SEC. 5. In every station in which a police matron serves, or to which a police matron is attached, sufficient and proper accommodation shall be provided for women confined under arrest, and in case such accommodations shall be insufficient or improper, such matron shall notify the authorities in charge, who shall provide such sufficient and proper accommodations.

Proper accommodations to be provided for females under arrest.

SEC. 6. Whenever in any city where any police matron shall be appointed under this act, a woman is arrested and taken to a police station to which a matron is attached, and where such matron is not then present, it shall be the duty of the officer in charge to cause such woman prisoner to be removed as soon as possible to the nearest station house to which a police matron is attached.

When females to be removed to other station houses.

SEC. 7. At least one police matron shall be designated by the authorities in charge of said police station to attend before the police or other criminal courts at all times when any woman is to be arraigned before such court, and shall, in conjunction with some police officer, have charge of all women there in attendance awaiting trial or transfer from the court to any other place of detention.

Police matron to appear in court.

SEC. 8. In this act the expression "police station" shall include any place where persons are temporarily confined under arrest, and the expression "woman" shall include any person of female sex.

Definition of "police station."

SEC. 9. The salary of the police matrons in each city shall be fixed by the city council, except in cities having police commissioners the salary shall be fixed by the police commissioners, and where appointed by the sheriff the salary shall be fixed by the board of supervisors.

Salary of police matrons, how fixed.

Approved May 7, 1897.

[No. 110.]

AN ACT to amend section eight of an act entitled "An act to prevent the spread of contagious diseases of fruit trees," being act number one hundred nine of the session laws of eighteen hundred and ninety-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section eight of act number one hundred nine of the public acts of eighteen hundred and ninety-five be, and the same is hereby amended so as to read as follows:

Compensation
of commis-
sioners.

Charges, how
audited.

SEC. 8. The commissioners shall be allowed for services under this act, two dollars for each full day, and one dollar for each half day, and their other charges and disbursements hereunder, to be audited as well as any other charges and disbursements under this act, by the township board or city council, all of which costs, charges, expenses and disbursements, shall be certified by the commissioners to the supervisor or city council on the first day of October of each year. Said certificate shall describe the lands on which such diseased trees stood, and the expense incurred in removing the same. The amount so certified shall be levied by the supervisor upon the premises described in said certificate, the owners or occupants of which having refused to remove and destroy said diseased trees as required in this act. The amounts so levied shall be collected in the same manner as delinquent highway taxes are collected, and shall be paid into, and belong to the general fund of the township or city as the case may be.

Supervisors to
levy on refusal
to remove or
destroy.

Collection of.

Approved May 7. 1897.

[No. 111.]

AN ACT to fix the responsibility for making permanent improvements to manufacturing establishments in Michigan where ordered by factory or deputy factory inspectors.

Permanent
improve-
ments to man-
ufacturing es-
tablishments
to be made
when ordered
by factory
inspectors.

Proviso.

SECTION 1. *The People of the State of Michigan enact,* That whenever fire escapes, elevator protection or repairs, water closets and other permanent improvements to buildings are ordered by factory or deputy factory inspectors under the provisions of act one hundred and eighty-four, session laws of eighteen hundred and ninety-five, said improvements shall be made by the owner of the building or premises where such improvements are ordered: *Provided,* That nothing in this section shall be construed to interfere with any contract between owner and tenant whereby the tenant agrees to make

such improvements when ordered by factory or deputy factory inspectors.

SEC. 2. Whenever the owner of any building or premises as mentioned in section one of this act is a non-resident of this State, the tenant shall make such improvements and may deduct the cost thereof from the amount of rent for use of said premises.

When owner a non-resident, the tenant may make improvements.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 112.]

AN ACT to prohibit the shooting or catching of prairie chickens, otherwise known as pinnated grouse.

SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for any person to shoot, kill or catch in traps for the purpose of killing, any prairie chickens, otherwise known as pinnated grouse, in the State of Michigan, for the period of five years from and after the passage of this act.

Unlawful to shoot or catch prairie chicken for five years.

SEC. 2. Any person who shall violate any of the provisions of section one of this act shall be guilty of a misdemeanor and may be punished by a fine of not less than ten nor more than twenty-five dollars for each and every bird so shot, killed or caught, in the discretion of the court, or imprisonment not to exceed thirty days or both such fine and imprisonment in the discretion of the court.

Violation a misdemeanor.

Penalty.

Approved May 7, 1897.

[No. 113.]

AN ACT to authorize and empower the trustees of the Michigan Asylum for the Insane to convey certain State land in the city of Kalamazoo, for the purpose of extending Wheaton avenue.

SECTION 1. *The People of the State of Michigan enact,* That the Board of Trustees of the Michigan Asylum for the Insane are hereby authorized and empowered to convey, by quit-claim deed, to the city of Kalamazoo, in the county of Kalamazoo, all the interest of the State of Michigan in and to all that certain piece or parcel of land lying and being situate in the northeast quarter of the southwest quarter and in the northwest quarter of the southeast quarter of section twenty-one

Michigan Asylum for Insane to convey certain land to city of Kalamazoo for extending Wheaton avenue.

Description of
land.

(21), town two (2) south of range eleven (11) west, and more particularly described by the following bounding lines: Commencing at a point on the north and south quarter line of said section twenty-one (21), two-hundred thirty-three and forty-six hundredths (233.46) feet south of the center of said section twenty-one (21), and also being the southwest corner of lot fifty-one (51) in Wheaton's addition to the village (now city) of Kalamazoo, Michigan, and running thence north seventy-three (73) degrees and forty-three (43) minutes west one hundred forty-eight and two-tenths (148.2) feet to the easterly line of Asylum avenue, thence north thirty-one (31) degrees and fourteen (14) minutes east along the easterly line of Asylum avenue, sixty-eight and thirty-one hundredths (68.31) feet, thence south seventy-three (73) degrees and forty-three (43) minutes, east one hundred twenty-one and seven hundredths (121.07) feet to a point sixty-six (66) feet north and nine and thirty-six hundredths (9.36) feet east of the place of beginning, thence east parallel with the south line of lot fifty-one (51) in Wheaton's addition fifty-six (56) and sixty-four hundredths (56.64) feet, thence south sixty-six (66) feet to the south line of lot fifty-one (51) in Wheaton's addition, thence west along the south line of said lot fifty-one (51), sixty-six (66) feet to the place of beginning, intending to describe a strip of land sixty-six (66) feet wide, for the purpose of extending Wheaton avenue, in said city of Kalamazoo, from its present western terminus to said Asylum avenue, to be used for a public street or highway.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 114.]

AN ACT to amend section fifty-five of chapter one hundred and fifty-four of the revised statutes of eighteen hundred and forty-six, entitled "Offenses against property" as added by act number one hundred and ten of the public acts of eighteen hundred and eighty-five, being section ninety-one hundred and seventy-six *a* of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section fifty-five of chapter one hundred and fifty-four of the revised statutes of eighteen hundred and forty-six, entitled "Offenses against property" as added by act number one hundred and ten of public acts of eighteen hundred and eighty-five, being section ninety-one hundred and seventy-six *a* of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Sec. 9176a. If any officer, agent, clerk, servant, employe or lessee of any incorporated company, foreign or domestic, or if any agent, clerk, servant, employe or lessee of any private person, or of any copartnership, except apprentices and other persons under age of sixteen years, or if any attorney-at-law, collector or other person, who, in any manner, receives or collects money or any other property for the use of and belonging to another, embezzles or fraudulently converts to his own use, or takes and secretes with intent to embezzle and convert to his own use without the consent of his employers, master, or the owner of the money or goods collected or received, any money or property of another or which is partly the property of another and partly the property of such agent, clerk, servant, employe, lessee, attorney-at-law, collector or other person, which has come to his possession or under his care in any manner whatsoever, he shall be deemed to have committed larceny, and in a prosecution for such crime it shall be no [defense] defence that such officer, agent, clerk, servant, employe, lessee, attorney-at-law, or other person, was entitled to a compensation out of such money or property, as compensation for collecting or receiving the same for and on behalf of the owner thereof: *Provided*, That it shall be no embezzlement on the part of such officer, clerk, servant, employe, lessee, attorney-at-law or other person, to retain his reasonable collection fee on the collection, or any other valid interest he may have in such money or property: *Provided, further*, That failure, neglect, or refusal of such officer, agent, clerk, servant, employe, lessee, attorney-at-law, or other person to pay, deliver or refund to the proper person, company or copartnership such money or goods intrusted to his care, upon demand, shall be *prima facie* proof of intent to embezzle.

Embezzlement by officer, agent, etc., when deemed larceny.

Proviso as to collection fee.

Further proviso as to intent to embezzle.

Approved May 7, 1897.

[No. 115.]

AN ACT to amend section eleven of chapter one hundred forty of the revised statutes of eighteen hundred and fifty-seven, being compiler's section seventy-nine hundred and ninety-six, Howell's annotated statutes, relative to filing copy of attachment in the office of the register of deeds.

SECTION 1. *The People of the State of Michigan enact*, That section eleven of chapter one hundred forty of the revised statutes of eighteen hundred and fifty-seven, being compiler's section seventy-nine hundred ninety-six, Howell's annotated statutes, relative to filing copy of attachment in the office of the register of deeds, be and the same is hereby amended so as to read as follows:

Section amended.

Register of deeds shall note the exact time when filed and shall keep record of the parties.

SEC. 11. Each register of deeds shall note on every such certified copy, the day, hour and minute when he received it, and shall also enter in a book to be kept by him for that purpose, the names of the parties in such writ, designating who is plaintiff and who defendant, the time when the land was attached a correct description of the land attached, and the time when such copy was deposited.

Approved May 7, 1897.

[No. 116.]

AN ACT to amend section nine of chapter eighty-four of the revised statutes of eighteen hundred and forty-six, entitled "Of divorce," and being section six thousand two hundred and thirty-one of Howell's statutes of Michigan, as amended by act number two hundred and two of the session laws of eighteen hundred and ninety-five, relating to divorce.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section nine, of chapter eighty-four of the revised statutes of eighteen hundred and forty-six, entitled "Of divorce," and being section six thousand two hundred and thirty-one of Howell's annotated statutes of Michigan as amended by act number two hundred and two of the session laws of eighteen hundred [and] ninety-five, be and the same is hereby amended to read as follows:

Requirements for obtaining divorce.

(6231.) SEC. 9. No decree of divorce shall be granted by any court in this State in any case unless:

Plaintiff to be resident of State.

First, The party applying therefor shall have resided in this State for one year immediately preceding the time of filing the bill or petition therefor; or

Marriage to be solemnized in this State.

Second, The marriage which it is sought to dissolve was solemnized in this State, and the party applying for such divorce shall have resided in this State from the time of such marriage until the time of bringing such suit for divorce.

No divorce granted except certain facts exist.

No decree of divorce shall be granted in any case except when one of the following facts exist:

Defendant to be resident of State. To be domiciled in State when cause for divorce alleged. Service of notice within this State.

First, When the defendant is domiciled in this State at the time the bill or petition for divorce is filed; or

Second, When the defendant shall have been domiciled in this State, when the cause for divorce alleged in the bill or petition arose; or

Without this State.

Third, When the defendant shall have been brought in by publication or shall have been personally served with process in this State, or shall have been personally served with a copy of the order for appearance and publication within this State or elsewhere. And whenever any such order shall be served outside this State, proof of such service shall be made

by the affidavit of the person who shall serve the same, made before a justice of the peace or notary public, and when such affidavit shall be made outside this State it shall have attached thereto the certificate of the clerk of a court of record, certifying to the official character of the justice or notary, and the genuineness of his signature to the jurat of the affidavit.

In all cases where a divorce is asked on the ground of desertion, such desertion shall be deemed to have occurred and taken place in this State for the purposes of this act when the parties, complainant and defendant, shall have been actually, and in good faith, domiciled in this State at the time the defendant actually abandoned the complainant, without proof of his or her actual intent at the time of such abandonment. Whenever the cause or causes for divorce charged in the bill or petition shall have occurred out of this State, no decree of divorce shall be granted unless the complainant or defendant, one or both of them, shall have resided in this State for two years immediately preceding the filing of the bill or petition for such divorce. No proofs or testimony shall be taken in any case for divorce until the expiration of four months from the time of filing the bill or petition therefor, except where the cause for divorce is desertion, or when the testimony is taken conditionally, for the purpose of perpetuating such testimony. When the defendant in any case for divorce shall not be domiciled in this State at the time of commencing such suit, or shall not have been domiciled therein at the time the cause for divorce arose, before any decree of divorce shall be granted the complainant must prove that the parties have actually lived and cohabited together as husband and wife within this State, or that the complainant has in good faith resided in this State for two years immediately preceding the filing of the bill or petition for divorce.

When desertion deemed to have occurred in this State.

Time of taking proofs.

Proof of cohabitation within State when defendant resides without.

Approved May 7, 1897.

[No. 117.]

AN ACT to amend section four of act number one hundred and seventeen of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the control and management of the Industrial Home for Girls, and to repeal all acts and parts of acts in conflict with the provisions of this act."

SECTION 1. *The People of the State of Michigan enact,* That section four of act number one hundred and seventeen of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the control and management of the Indus-

Section amended.

trial Home for Girls, and to repeal all acts and parts of acts in conflict with the provisions of this act," be so amended as to read as follows:

Resident member of board to be appointed treasurer and receive compensation.

Salary. Expenses of members to be paid by State Treasurer.

Not to be interested in contract. Removal.

SEC. 4. No member of said board shall receive any compensation whatever for services, except the resident member who shall be appointed treasurer, and who shall also perform such other services as the board may assign to him, and for all services performed he shall receive three hundred dollars annually, payable as herein specified, except that each member shall receive the actual and necessary expenses incurred in the performance of official duties, to be verified by oath, which shall be paid by the State Treasurer on the warrant of the Auditor General out of the money in the State treasury, not otherwise appropriated. They shall not be interested directly or indirectly in any contract for supplying said institution, nor draw any money except as herein provided. The Governor shall have power to remove any member of said board for cause, and in case of vacancy from removal or otherwise, shall have power to fill such vacancy by appointment to serve until the next meeting of the legislature, unless removed as aforesaid.

Approved May 7, 1897.

[No. 118.]

AN ACT to amend sections one, three, six and fifteen of act one hundred and ninety-three of the session laws of eighteen hundred and ninety-five, approved May twenty-second, eighteen hundred and ninety-five, entitled "An act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drink."

Act amended. SECTION 1. *The People of the State of Michigan enact,* That sections one, three, six and fifteen of act one hundred and ninety-three of the session laws of eighteen hundred and ninety-five, approved May twenty-second, eighteen hundred and ninety-five, entitled "An act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drink," be and the same is hereby amended so as to read as follows:

No person shall adulterate food for sale.

SECTION 1. *The People of the State of Michigan enact,* That no person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, any article of food which is adulterated within the meaning of this act.

When article shall be deemed adulterated.

SEC. 3. An article shall be deemed to be adulterated within the meaning of this act: *First*, If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; *Second*, If any

inferior or cheaper substance or substances have been substituted wholly or in part for it; *Third*, If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; *Fourth*, If it is an imitation of, or is sold under the name of another article; *Fifth*, If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal; *Sixth*, If it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; *Seventh*, If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided*, That nothing in this act shall prevent the coloring of pure butter: *And provided further*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale, bear the name and address of the manufacturer and be distinctly labeled under its own distinctive name, and in a manner so as to plainly and correctly show that it is a mixture or compound, and is not in violation with definition fourth and seventh of this section.

Act shall not apply to articles labeled "mixture" or "compound."

SEC. 6. Every manufacturer of full milk cheese may put a brand upon each cheese, indicating "Full milk cheese," and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. It shall be the duty of the proprietor of every cheese factory, creamery or butter factory in the State where milk or cream is purchased of or contributed by three or more persons, to register the location of such cheese factory, creamery or butter factory and the name of its owner or manager with the Dairy and Food Commissioner on or before the first day of October, A. D. eighteen hundred ninety-seven, and on or before the first day of April in each year thereafter. Whoever violates any of the provisions of this section, in so far as it relates to registration, shall be deemed guilty of a misdemeanor, and for each and every offense shall be punished by a fine of not less than five dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail for not more than thirty days or both.

"Full milk cheese" to be branded as such.

Creamery, etc., to be registered with the Dairy and Food Commissioner each year.

Penalty.

SEC. 15. No person shall manufacture or sell, or offer for sale any manufactured or artificial coffee berry in imitation of the genuine berry. No person shall manufacture, sell or offer or expose for sale any ground or prepared coffee, which is adulterated with chickory or other substance not injurious to health, unless each package thereof shall be distinctly labeled or marked "Coffee compound," together with the name and address of the manufacturer or compounder thereof, and has no other label of whatever name or designation. No person shall offer or expose for sale, have in his possession with intent to sell, or sell any molasses, syrup or glucose, unless the barrel, cask, keg, can or pail containing the same shall be

"Coffee compound to be labeled as such."

Molasses, etc., for sale shall be labeled if adulterated.

distinctly branded or labeled with the true and appropriate name; nor shall any person offer or expose for sale, have in his possession with intent to sell, or sell any molasses or syrup mixed with glucose, unless the barrel, cask, keg or pail containing the same be distinctly branded or labeled "Glucose mixture," and the per cent in which glucose enters into its composition. Such barrel, cask, keg or pail shall be branded or labeled in a conspicuous place; and such brands or labels shall be in letters of not less than one-half inch in length. Glucose and glucose mixture shall have no other designation than herein required.

Approved May 7, 1897.

[No. 119.]

AN ACT to amend sections one and two of act number one hundred eighty-six of the public acts of eighteen hundred sixty-seven, entitled "An act to authorize dissection in certain cases, for the advancement of science," approved March twenty-seventh, eighteen hundred and sixty-seven, as amended by the several acts amendatory thereof.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of act number one hundred eighty-six, of the public acts of eighteen hundred sixty-seven, entitled "An act to authorize dissection in certain cases, for the advancement of science," approved March twenty-seventh, eighteen hundred sixty-seven, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Provision for
furnishing
University
with certain
subjects for
dissection.

SECTION 1. Any member of either of the following boards, and any of the following named officers or persons, to wit: The board of health of any city, village or township, the common council of any city, board of trustees of any village, any board or officer having the direction, management, charge or control, in whole or in part, of any prison, house of correction, workhouse, jail or lockup, founded or supported in whole or in part at public expense having in his or their possession or control, the dead body of any person not claimed by any relative or legal representative; or the county superintendent of the poor, keepers of poorhouses and almshouses, any physician or other person in charge of any poorhouse or almshouse, or charitable institution, sheriff or coroners, having in his or their possession or control the dead body of any person not claimed by any relative, personal friend or legal representative, as hereinafter provided, and which may be required to be buried at public expense, or the expense of any one of such public institu-

tions, or the dead body of any convict who died in prison under sentence for murder or attempt to murder, shall deliver such dead body or bodies within thirty-six hours after death, or after he or they shall become possessed thereof, to the express or railway company at the nearest railway station, placed in a plain coffin, and enclosed in a strong box, securely fastened and plainly directed to the "Demonstrator of Anatomy of the University of Michigan, Ann Arbor, Michigan," excepting only the dead bodies of such persons as shall have died with small-pox, [diphtheria] diphtheria or scarlet fever: *And provided*, That in the county of Wayne, the dead bodies hereinbefore described, shall be sent, in the same manner and under the same restrictions as those sent to the demonstrator of anatomy of the University of Michigan, either to the demonstrator of anatomy of the Detroit College of Medicine, or to the demonstrator of anatomy of the Michigan College of Medicine and Surgery; and the dead bodies hereinbefore described, found in the county of Saginaw, shall be sent or delivered, under the like restrictions as those sent to the University of Michigan at Ann Arbor, to the demonstrator of anatomy of the Saginaw Valley Medical College, Saginaw, Michigan. And such boards, common councils, officers or other persons making such shipment or delivery, shall, as the case may be, take the usual shipping receipt or a fully particularized receipt for such package, and shall notify the consignee of such shipment or delivery, by letter mailed on the day the package is so delivered to the express or railway company as aforesaid, or within the counties of Wayne and Saginaw, delivered concurrently by messenger or otherwise with the delivery of such package, and shall also enclose in such letter, a statement giving, as nearly as can be ascertained, the name, age, residence and cause of death of such deceased person, and the name and postoffice address of the known relative or relatives of such deceased person, whose body has been shipped or is being delivered as aforesaid; and also a statement of the costs and expenses which have been incurred in the procuring of the coffin, box, preparation of the body for shipment or delivery, as the case may be, and the shipping or delivery of the same, and upon the receipt of a package so shipped to him, the demonstrator of anatomy of the University of the State of Michigan shall immediately forward to such officer, board, council or institution, or person or persons making such shipment or incurring such expenses, the amount thereof not exceeding in any case the sum of fifteen dollars. Upon the receipt of a package so delivered to him, the demonstrator of anatomy of the Detroit College of Medicine, or of the Michigan College of Medicine and Surgery, or of the Saginaw Valley Medical College, as the case may be, shall immediately forward to such officer, board, council or institution, or person or persons making such delivery, or incurring such expenses, the amount thereof not exceeding in any case the sum of seven

Bodies of convicts, murderers, etc., how disposed of.

Proviso as to counties of Wayne and Saginaw.

Officers making shipment to take receipt.

Cost of bodies to University.

Cost of bodies to Detroit College of Medicine, Michigan College of Medicine and Surgery or Saginaw Valley Medical College.

Proviso when
body is claim-
ed by rela-
tives.

Record to be
kept.

Proviso as to
duties of offi-
cers or persons
in charge of
body.

Bodies to be
used for ad-
vancement of
anatomical
science in cer-
tain institu-
tions.

To be distrib-
uted among
the same
equitably.

dollars: *Provided*, Such dead body shall not be so shipped or delivered as aforesaid, if it shall be requested in good faith for interment by any relative before the same shall have been shipped or delivered as aforesaid, and in case the dead body of any person so delivered or shipped as aforesaid, be subsequently claimed or demanded of either of said demonstrators of anatomy, or of any other person or institution, into whose possession or under whose control it may have been placed by virtue of the provisions of this law, by any relative or legal representative of such deceased person for private interment, it shall be given up to such claimant, even after the same shall have been interred as hereinafter provided, after they shall have paid the actual expenses incurred and paid by the demonstrator of anatomy, or by any person or institution into whose possession or under whose control it may have been placed by virtue of the provisions of this act. Such bodies shall be used only for the purposes hereinafter mentioned, and shall then, in all cases, be interred in some suitable place kept for that purpose, and a correct record shall be kept of every such body; and all matters by which such body may be identified, coming to the knowledge of the person or officer at any time in charge of such bodies, shall be faithfully recorded at length in a book to be kept for such purpose, to the end that the same may be at any time traced and discovered by the friends and relatives of such deceased person: *And provided further*, That the institution, board, council, officer or person aforesaid in charge of any such body as aforesaid, shall, immediately after the death of such person notify, if possible, by telegraph, or otherwise by letter, one or more of the nearest known relatives of such deceased person, of the death of such person; and in no case shall the body of such deceased person be shipped or delivered, as aforesaid, until after the expiration of twenty-four hours from death. And every individual, officer or party violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 2. The bodies so shipped or delivered, as aforesaid, shall be used for the advancement of anatomical science in this State and in the following institutions of learning only, viz.: the University of Michigan, the Detroit College of Medicine, the Michigan College of Medicine and Surgery, and the Saginaw Valley Medical College. And the said bodies shall be distributed to and among the same equitably, and, as far as is possible, in the order in which they are received, and the number assigned to each by the said demonstrator of anatomy shall be proportional to that of its students of anatomy in actual attendance, and to this end the said demonstrator of anatomy shall, within ten days after the opening of the scholastic year of each of said institutions, ascertain from the dean or other executive officer of said institutions the number of students of anatomy in actual attendance in the said respective institutions. And the said demonstrators of anatomy shall, upon ascertaining the num-

ber of students of anatomy in actual attendance in said institutions, each notify the other in writing of the information thus obtained; and at any time thereafter, upon the written request of either of said demonstrators of anatomy, delivered or mailed to the others, the said demonstrators of anatomy shall ascertain and inform each other in writing, of the number of students of anatomy in actual attendance in the said institutions, to the end that at all times the distribution of said bodies may be equitable and proportionable to the number of students of anatomy in actual attendance in the said institutions. And in order to procure a fair and proportionable distribution of bodies in quality as well as in quantity, each demonstrator of such institutions, may throw out any body which, when received, shall, in his opinion, be unfit and worthless for the advancement of anatomical science, and shall not count such body as anatomical material received, but on his request to the other demonstrators, or to any one of them, shall be supplied by such demonstrator applied to with the proportionate number of good bodies, fit for use for the necessary instruction. And the demonstrators of anatomy of the aforesaid institutions shall each make annually in the last week of the month of June a sworn statement of the actual expenses borne and incurred by him under the provisions of this act. And from such statements the total cost of the anatomical material received shall be ascertained by a board consisting of all said demonstrators, and shall be apportioned and paid by such institutions in proportion to the number of bodies used by each of such institutions: *Provided, however,* That either of the said demonstrators of anatomy, upon the receipt of every body under and by virtue of the provisions of this act, shall cause the same to be embalmed or put in a state of preservation, and shall not permit the same to be delivered to any of said institutions for the purpose of dissection, until the same shall have been in his possession at least ten days. And it shall be the duty of the said demonstrator of anatomy of the University of Michigan and the said demonstrator of anatomy of the Detroit College of Medicine, and the said demonstrator of anatomy of the Saginaw Valley Medical College, upon the receipt of any body under the provisions of this act, to immediately notify the relatives of such deceased person, if known, of the receipt of such body, either by mail or telegraph as he may deem best, and that said body will be preserved intact, for the space of ten days, in which time such relative will be entitled to said body for the purpose of private interment upon payment of the expenses already incurred. And if the relatives or legal representatives of such deceased person shall request such body for the purpose of interment and shall pay such expenses the demonstrator of anatomy in whose possession or under whose control the said body may be, shall deliver to such relative or legal representative, the said body, together with the said coffin and box enclosing the same. But in case said body shall not

Demonstrators of anatomy to make annual statement of expenses.

Cost of anatomical material to be apportioned.

Proviso, notice to relatives.

When bodies to be delivered to relatives.

Proviso.

Violation of provisions of this section a misdemeanor. Acts repealed.

be requested by such relatives until after the same shall have been applied to the purposes intended, the remains thereof, together with the coffin and box aforesaid, shall be delivered without charge: *Provided*, That the University of Michigan, the Detroit College of Medicine, the Michigan College of Medicine and Surgery and the Saginaw Valley Medical College aforesaid, and each and every other medical institution, shall not receive into their possession any bodies procured in this State other than those provided for by the provisions of this act. And every individual or party violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved May 7, 1897.

[No. 120.]

AN ACT to amend section number twenty-one of act number two hundred four of the session laws of eighteen hundred and ninety-five, entitled 'An act to amend section twenty-one of act number two hundred twenty of the session laws of eighteen hundred and eighty-nine, entitled 'An act to amend sections twenty-one and twenty-two of act number one hundred and thirty-five of the public acts of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof and the inmates therein," and to repeal act number one hundred sixty-four, laws of eighteen hundred and fifty-nine; also act one hundred ninety-four, laws of eighteen hundred and seventy-seven; also act ninety-one, laws of eighteen hundred and seventy-three, and the acts amendatory thereto; also act number one hundred seventy-two, laws of eighteen hundred and seventy-three,' " approved June third, eighteen hundred and eighty-five, being section nine thousand one hundred thirty c. being the section next following section one thousand nine hundred thirty b nine, Howell's annotated statutes of Michigan.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section number twenty-one of act number two hundred and four of the session laws of eighteen hundred and ninety-five, entitled "An act to amend section twenty-one of act number two hundred and twenty of the session laws of eighteen hundred and eighty-nine, entitled 'An act to amend sections twenty-one and twenty-two of act number one hundred and thirty-five of the public acts of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the

laws organizing asylums for the insane and regulating the care and management thereof and of the inmates therein," and to repeal act number one hundred and sixty-four, laws of eighteen hundred fifty-nine; also act one hundred ninety-four, laws of eighteen hundred and seventy-seven; also act ninety-one, laws of eighteen hundred seventy-three, and the acts amendatory thereto; also act number one hundred and seventy-two, laws of eighteen hundred seventy-three, approved June third, eighteen hundred eighty-five, being section ninety-one hundred thirty c, Howell's annotated statutes of Michigan,' " be and the same hereby is amended so as to read as follows:

SEC. 21. No person who is a resident of this State shall be held as a private patient in any asylum, public or private, or in any institution, home or retreat, for the care or treatment of the insane, except upon the certificates of two reputable physicians under oath, appointed by the judge of probate of the county where such alleged insane person resides to conduct an examination, and an order from said judge of probate setting forth that the said person is insane and directing his removal to an asylum or institution for the care of the insane. When the relatives or friends of any insane person shall make application in his behalf for an order admitting him to any asylum, public or private, or to any institution, home or retreat for the care or treatment of the insane, to the judge of probate of the county where he resides, the judge of probate shall institute an inquest and take proofs as to the alleged insanity before granting such order, and shall immediately notify such alleged insane person of such application and of the time and place of hearing to be held therein, and any relative or other person having such alleged insane person in charge or custody shall likewise be notified of said time and place of hearing and the judge of probate may appoint a guardian *ad litem* to represent such insane person upon such hearing and shall fully investigate the facts and if the judge of probate shall deem it necessary or if such alleged insane person shall so demand, a jury of twelve freeholders having the qualifications required of jurors in courts of record, shall be summoned to determine the question of insanity, and whenever a jury is demanded the court shall proceed to the selection of such jury in the same manner as is provided for the selection of a jury for the condemnation of land for railroad purposes and such jury shall determine the question of the sanity or insanity of the alleged insane person, and the said judge of probate pending such proceedings, if it shall appear to be necessary and essential so to do, such alleged insane person may be placed in the custody of some suitable person, or may be moved to the asylum of the district in which said insane person resides, or to any hospital, home or retreat, to be detained until such application can be heard and determined: *Provided, however,* That the period of such temporary detention shall not exceed in all fourteen days, and all the expenses

Certificate required for admission and confinement of patients.

Judge of probate to approve.

To take proofs of insanity before granting order.

When jury to determine question of insanity.

Proviso as to temporary insanity.

Duty of medical superintendent with regard to certificate.

Judge of probate to grant order for commitment to asylum.

To require bond.

thereof shall be paid by the petitioner or out of the estate of said alleged insane person. Such alleged insane person shall have the right to be present at such hearing, unless it shall be made to appear to the judge of probate either by certificate of the medical superintendent of the asylum or the officers in charge of such hospital, home or retreat to which he may have been temporarily committed, or by the certificate of two reputable physicians, that his condition is such as to render his removal from the institution for that purpose or his appearing at such hearing improper and unsafe. The said judge of probate shall, if satisfactory evidence is adduced, showing the alleged insane person to be of unsound mind and in need of care or treatment in an asylum, home or retreat, grant an order for the commitment of such insane person to such institution, there to be supported as a private patient. Before making his order committing an insane person as a private patient to any of the public asylums supported by this State, the judge of probate shall require the petitioner or friends of such insane person to enter into such bond for the support of such insane person thereat as may be provided by the by-laws thereof and to pay such sum to the medical superintendent or treasurer thereof as an advance payment towards his support as such by-laws may require, which bond shall be signed by at least two sureties to be approved by such judge of probate, and said judge of probate at the request of the medical superintendent of the asylum in which any insane person may be committed as a private patient, may require such sureties to justify their responsibility anew or order that a new bond be filed in the place and instead thereof:

The order of the judge of probate shall be substantially in the following form:

STATE OF MICHIGAN, } ss.
County of..... }

Form of physician's certificate.

At a session of the probate court for the county of holden at the probate office in the of on the day of in the year one thousand eight hundred and

Present,, judge of probate.

In the matter of, an alleged insane person.

To the medical superintendent of the

Having received the certificates of and, duly qualified medical examiners in insanity, appointed by this court, by whom of an alleged insane person, was personally visited and examined, and after notifying the said of the proceedings to be taken in his case and having taken the testimony of, credible witnesses, and having fully investigated the facts in the case with the verdict of a jury as to the question of insanity, I, the judge of probate in and for said county do find that the said..... is insane, and a fit person for care and treatment in the asylum.

It is therefore ordered that the said be removed to asylum, there to be supported as a private patient.

Form of judge of probate's certificate.

.....,

Judge of Probate.

In all cases or proceedings arising under this act any person aggrieved by any order, sentence, decree, or denial of a judge of probate may appeal therefrom to the circuit court for the same county by filing a notice thereof with the judge of probate within ten days from the date of the act appealed from with his reasons for such appeal together with such bond as is hereinafter required, and by giving notice of said appeal to the relatives of the appellant, or person having such alleged insane person in charge, or guardian *ad litem*, with his reasons therefor in such manner as the probate court shall direct at least fourteen days before the same shall be brought on for trial in the circuit court, and within thirty days after such appeal is taken, filing in the circuit court to which the appeal is taken a certified copy of the record or proceedings appealed from, and of the notice and reasons for such appeal and of the bond on appeal filed in the probate court and of the order directing notice to the relatives of the appellant together with evidence that notice has been given to the relatives of the appellant or person having such alleged insane person in charge, or guardian *ad litem*, according to the order of the probate court: *Provided, however,* That in all cases where any person has been adjudged insane under the provisions of this act within two years next prior to the time when this act shall take effect he or she within sixty days from the time when this act shall take effect may appeal therefrom to the circuit court for the same county by giving the notice and bond provided for in this section and by otherwise complying with the requirements of this section as to giving notice of appeal with reasons therefor and filing evidence of service thereof and filing in the circuit court to which the appeal is taken certified copies of the proceedings and act appealed from in the probate court. All such cases shall be tried in the circuit court the same as other appeals from probate court. The party appealing shall at the time of filing notice thereof, file with the judge of probate a bond running to the judge of probate of said county, for the use and benefit of any person who shall be injured by the allowance of such appeal in such penalty and with such surety or sureties as the judge of probate may approve, conditioned for the diligent prosecution of such appeal and the payment of all such damages and costs as shall be awarded to any person on account of the allowance of such appeal in case the person appealing shall fail to obtain a reversal of the decision so appealed from, and any person injured by the allowance of such appeal shall have a right of action upon such bond in case the decision so appealed from is

When appeal may be made to circuit court.

Appeal bond.

Proviso as to time of appeal.

To be tried as other appeals from probate court.

When reversal of decision not sustained, who to have right of action.

Proviso as to
commitment
pending
hearing.

not reversed: *Provided, further,* The judge of probate shall if it be made to appear to his satisfaction necessary and proper so to do, either because such person is so insane as to be in urgent need of treatment or dangerous to himself, his friends or the public, grant an order for the commitment of such insane person to such institution pending the hearing and determination of such appeal.

Approved May 11, 1897.

[No. 121.]

AN ACT to amend section one of chapter one hundred and sixty-three of the compiled laws of eighteen hundred and seventy-one, being section six thousand and twenty-five of Howell's annotated statutes relative to the sale of lands for the payment of debts by executors, administrators and guardians.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of chapter one hundred and sixty-three of the compiled laws of eighteen hundred and seventy-one, being section six thousand and twenty-five of Howell's annotated statutes, relative to the sale of lands for the payment of debts by executors, administrators and guardians, be and the same is hereby amended so as to read as follows:

When
executor may
sell real
estate.

SECTION 1. When the personal estate of any deceased person in the hands of his executor or administrator shall be insufficient to pay all his debts with the charges of administering his estate, or whenever it shall be made to appear to the probate court that it is necessary for the preservation of the estate, or to prevent a sacrifice thereof, or for the best interest of all concerned therein, his executor or administrator may sell his real estate for that purpose upon obtaining a license therefor, and proceeding therein in the manner hereinafter provided: *Provided, however,* That the widow, in case any there be, shall not be entitled to a greater interest in the estate than she would have received had such real estate been distributed instead of being sold.

Proviso as to
widow.

Approved May 13, 1897.

[No. 122.]

AN ACT to amend section twenty-two of act number one hundred and twenty-five of the public acts of the State of Michigan of A. D., eighteen hundred ninety-five entitled "An act to reorganize the seventh judicial circuit and the thirtieth judicial circuit, and to designate the places of holding court therein, and to create the thirty-fifth judicial circuit and for the employment, duties and compensation of a stenographer of said thirty-fifth judicial circuit."

SECTION 1. *The People of the State of Michigan enact.* That section twenty-two of act number one hundred and twenty-five of the public acts of the State of Michigan of A. D., eighteen hundred ninety-five, entitled, "An act to reorganize the seventh judicial circuit and the thirtieth judicial circuit and to designate the places of holding court therein, and to create the thirty-fifth judicial circuit and for the employment, duties and compensation of a stenographer of said thirty-fifth judicial circuit, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 22. A deputy clerk shall be appointed by the county clerk of Ingham county, as provided by law, who shall attend upon each session of the court held in said city of Lansing, and shall maintain an office at said city of Lansing in the place appointed for holding said court. Deputy county clerk to reside at Lansing.

There shall be furnished by the Secretary of State to the said deputy clerk to be used by him in his official capacity and for the use of the court at Lansing, one copy of Howell's annotated statutes of the State of Michigan and one copy of such other compilation as may be hereafter made of the laws of this State, together with one copy each of such local and public acts as are now on hand in the Secretary of State's office, and one copy each of the public and local acts of the State of Michigan as shall be hereafter published. And the Secretary of State is hereby authorized to deliver to the said deputy clerk such books as are herein described now on hand and such as may be hereafter published from time to time and to take his receipt therefor and the said deputy clerk is hereby required to turn over all of said books so received by him to his successor in office. Secretary of State to furnish with copies of laws.

This act is ordered to take immediate effect.

Approved May 13, 1897.

[No. 123.]

AN ACT to amend section three of act number two hundred thirteen of the public acts of eighteen hundred and eighty-seven, entitled "An act to provide for the appointment of inspectors of mines and their deputies in certain cases, to prescribe their powers and duties and provide for their compensation."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number two hundred thirteen of the public acts of eighteen hundred and eighty-seven, entitled "An act to provide for the appointment of inspectors of mines and their deputies in certain cases, to prescribe their powers and duties and provide for their compensation," be and the same is hereby amended so as to read as follows:

Mine inspector to visit and inspect mines.

SEC. 3. The duties of the mine inspector shall be to visit all the working mines of his county once in every sixty days, and oftener if in his judgment necessary, and closely inspect the mines so visited, and condemn all such places where he shall find that the employes are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladder ways, where men must ascend and descend, going to and from their work. In case the mine inspector shall find that a place is dangerous from any cause as aforesaid, it shall be his duty immediately to order the men engaged in work at the said place to quit work, and he shall notify the superintendent, agent or person in charge, to secure the place from the existing danger, which said notification or order shall be in writing, and shall clearly define the limits of the dangerous place, and specify the work to be done, or change to be made to render the same secure, ordinary mine risks excepted, it shall also be the duty of the mine inspector to command the person, persons or corporation working any mine, or the agent, superintendent, foreman or other person having immediate charge of the working of any mine, to furnish all shafts and open pits of such mine with some secure safeguard at the top of the shaft or open pit so as to guard against accident by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary, for the purpose of safety: *Provided*, That when any mine is idle or abandoned it shall be the duty of the mine inspector to notify the person, persons or corporation owning the land on which any such mine is situated, or the agent of such owner or owners, to erect and maintain around all the shafts and open

To condemn dangerous places.

May order men to quit work, and notify superintendent.

Shafts to be furnished with safeguards.

Carriages to be covered overhead.

Proviso as to abandoned mines.

pits of such mine a fence or railing suitable to prevent persons or domestic animals from accidentally falling into said shafts or open pits. Said notice shall be in writing and shall be served upon such owner, owners or agent, personally, or by leaving a copy at the residence of any such owner or agent if they or any of them reside in the county where such mine is situated, and if such owner, owners or agents are none of them residents of the county such notice may be given by publishing the same in one or more newspapers printed and circulating in said county if there be one and if no newspaper be published in said county then in a newspaper published in some adjoining county, for a period of three consecutive weeks. If such owner, owners or agent shall not within thirty days after receiving such notice or within thirty days after the completion of said publication erect such suitable fences or railings as above provided, it shall be the duty of the mine inspector to cause such suitable fences or railings to be erected and to make a return of his doings in the case, with the description of the land or lands on which such shafts and open pits are located, together with an itemized statement of the actual expenses incurred in such case on each description of land, to the county clerk of the county, which return and statement shall be verified by the affidavit of the mine inspector. All expenses incurred under the provisions of this section shall be audited by the board of supervisors of the county, and all sums allowed by such board for such expenses shall be paid from the general fund of the county. The county clerk shall certify to the board of supervisors at its annual meeting in each year the amount of expense incurred under the provisions of this section during the preceding year and the amount belonging to each and every description of land on which any such mines are situated and said amount shall be certified to the supervisors of the proper townships in the same manner as county taxes are certified to said supervisors, and the amount of the expense incurred as above on each description shall be assessed by said supervisors upon the said description upon their assessment rolls for that year, in a separate column, and shall be collected in the same manner as county taxes, and when so collected, paid into the general fund of the county.

Service of
notice.

Mine in-
spector may
build railing
on neglect
of owner.

Expenses
shall be audit-
ed by board of
supervisors.

To be assessed
against prop-
erty.

Approved May 13, 1897.

[No. 124.]

AN ACT to amend section one of act number two hundred and seventy-six of the public acts of eighteen hundred and eighty-seven, entitled "An act to require security to be given on staying proceedings upon verdicts and judgments in the circuit courts of this State" as amended by act number thirty-six of the public acts of eighteen hundred and eighty-nine, being compiler's section seven thousand six hundred and twenty-one c, third volume Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred and seventy-six of the public acts of eighteen hundred and eighty-seven, entitled "An act to require security to be given on staying proceedings upon verdicts and judgments in the circuit courts of this State," as amended by act number thirty-six of the public acts of eighteen hundred and eighty-nine, being compiler's section seven thousand six hundred and twenty-one c, third volume Howell's annotated statutes, be and the same is hereby amended to read as follows:

Bond required
before grant-
ing stay of
proceedings.

SECTION 1. That no stay of proceedings upon any verdict or judgment rendered in any circuit court in this State shall hereafter be granted or allowed for the purpose of moving for a new trial or settling a bill of exceptions in the case in which such verdict or judgment was rendered, for a longer period than twenty days, unless the party applying for such stay, if judgment shall have been rendered against him, shall execute to the adverse party a bond with sufficient sureties in such sum as the circuit judge, before whom the cause was tried, shall designate, conditioned to pay such judgment if the same is not set aside or reversed and that if a writ of error is issued in said cause that the appellant shall prosecute his writ to effect and shall pay and satisfy such judgment as shall be rendered against him thereon. Notice of the time and place when said bond will be presented to the circuit judge for approval shall be served upon the adverse party at least four days before the same shall be approved.

Notice.

Approved May 13, 1897.

[No. 125.]

AN ACT to amend act number one hundred forty-nine of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the election of a board of county canvassers, to prescribe the term of office and powers and duties thereof, and repeal all acts and parts of acts contravening the provisions of this act."

SECTION 1. *The People of the State of Michigan enact,* That act number one hundred forty-nine of the public acts of eighteen hundred ninety-five, approved May seventeenth, eighteen hundred ninety-five, entitled "An act to provide for the election of a board of county canvassers, to prescribe the term of office and powers and duties thereof, and repeal all acts and parts of acts contravening the provisions of this act," be amended to read as follows: Act amended.

SECTION 1. *The People of the State of Michigan enact,* That at the regular annual meeting of the board of supervisors of each organized county in the State of Michigan for the year eighteen hundred ninety-six, and each second year thereafter, there shall be elected by ballot three electors, neither of whom shall be a candidate for office at the general election ensuing, except as hereinafter especially provided, who, together with the county clerk, who shall not be entitled to a vote on said board, shall be and are hereby constituted a board of county canvassers. And it shall be the duty of the clerk of said board of supervisors to notify said electors of their election within five days thereafter. Said board of supervisors shall, at the time of electing such board of county canvassers, fix the amount of their compensation, which shall not exceed four dollars per day for each member of said board, which shall be paid by the county treasurer upon the warrant of the county clerk: When supervisors to elect canvassers by ballot.
Provided, That in Wayne county said board of county canvassers shall consist of five members as follows: The probate judge, who shall be the presiding officer of such board; the county treasurer, the two members of the board of Wayne county auditors having the longer term to serve, and one other citizen elector to be chosen by a plurality *viva voce* vote of the board of supervisors of said county at their regular annual meeting. Said board of supervisors of Wayne county shall, at the same time and in the same manner, elect an alternate member of said board, who will be entitled to serve as member of said board in case of a vacancy on said board on account of disability, absence or other cause. County clerk to be member of board.
Supervisors to fix compensation of board.

SEC. 2. Each member of said board of county canvassers shall qualify by taking the oath of office required of inspectors of election, to be administered by the county clerk, and shall hold office for a term of two years, or until his successor is appointed and shall have qualified. Oath required of canvassers.
Term of office.

Board to convene, when.

County clerk to be clerk of board.

Vacancy, how filled.

Board to canvass vote.

When returns are incomplete, board may adjourn.

Duty of board upon completing canvass.

When two persons have equal number of votes.

SEC. 3. It shall be the duty of said board of county canvassers to convene at the office of the county clerk on the first Tuesday after the first Monday following each general election, before the hour of one o'clock p. m., and to elect one of their number to act as chairman, except as is especially provided in section one of this act. The county clerk shall act as clerk of said board, but, in the event of his unavoidable absence, the board may select one of his deputies to act in his stead. In case of any vacancy on said board, by reason of absence or disability under the provisions of this act, it shall be filled by the members of the board present, who shall select some person or persons eligible to have been elected in the first instance, as set forth in section one of this act.

SEC. 4. The said board shall then proceed, without delay, to canvass the return of votes cast for State and county officers, electors for president and vice president of the United States, each year in which such electors are chosen, members of congress, State senators, representatives in the State legislature and amendments to the constitution, as the case may be, according to the returns filed in the office of the county clerk by the several boards of election inspectors of the various voting precincts in the county. If it shall be found, upon the convening of said board of canvassers, that the returns from the various boards of election inspectors of the several townships are missing or incomplete, or for any other reason, it is found necessary to return the same, then said board of county canvassers shall have power to adjourn from day to day until said returns shall have been procured or corrected. When said canvass shall have been finished the said board of county canvassers shall prepare a statement setting forth their findings in the premises, and giving in detail the number of ballots cast for each candidate. They shall certify thereto under their hands and the seal of the circuit court of the county. It shall also be the duty of said board to declare the result of the election for county officers and members of the legislature when the county alone constitutes one or more senatorial or representative districts, and to publish said result and a statement of votes cast, within thirty days after said general election is held, in at least two newspapers printed and circulating in said county.

SEC. 5. If it shall appear on the canvass of the votes polled at such election for members of the legislature or county officers, that two or more persons have received an equal number of votes for the same office, and that a failure to elect to any office is caused thereby, such persons shall proceed to draw lots for the election to said office, in the following manner: The board of canvassers for the county or district in which such election was held, shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof

to be given to all such persons interested. The officer before whom such drawing is to take place shall prepare as many slips of paper as there are such persons, and write the word "Elected" on as many slips of paper as there are offices to be filled, and the words "Not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that they may appear as near alike as possible. Said slips shall be placed in a box, and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box; and any such person drawing a slip on which is written the word "Elected," shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election. If the drawings under the provisions of this section are for the office of senator or representative in the State legislature, and the district exceeds the limits of a single county, then the drawing shall take place before the county clerk of the county where the district canvass is held; in all other cases before the county clerk of the county where each case shall arise: *Provided further*, That in cases where the office of county clerk is in question, the drawing shall take place before the sheriff of the county.

Method of drawing lots.

If for senator or representative in legislature.

When office of county clerk is in question.

SEC. 6. It shall also be the duty of said clerk of the board of county canvassers, within five days from the time of the completion of said canvass, to send by registered mail three certified copies of the same, so far as it shall relate to the vote for State officers, electors for president and vice president of the United States, members of congress of the United States, State senators, representatives in the State legislature, and amendments to the constitution, together with a certificate of authenticity signed by himself and the chairman of the board of canvassers; one to the Governor, one to the Secretary of State, and one to the State Treasurer. The original shall be kept on file in the office of the county clerk.

County clerk to forward copies of canvass.

To whom copies are to be forwarded.

SEC. 7. It shall be the duty of the county clerk to furnish certified copies of the original of said canvass on file in his office to the Secretary of State upon the request of said Secretary of State, and without charge. And if upon receipt of said certified copies by the Secretary of State, there shall appear to be clerical errors in the same, it shall be the duty of the county clerk, upon written request of the Secretary of State so to do to forthwith prepare corrected copies of said original canvass on file in his office and transmit the same in the manner prescribed in section six of this act.

Secretary of State to receive copy upon request.

SEC. 8. In case the clerk of the board of county canvassers shall neglect or refuse to perform in the manner herein prescribed, any of the duties hereinbefore set forth, he shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to pay a fine of not less than fifty nor more than two hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days.

Penalty for failure by county clerk.

Penalty in case of failure or fraudulent return by members of board.

SEC. 9. Any member of said board of county canvassers who shall knowingly violate any of the provisions of this act or shall wilfully neglect or refuse to perform any duties enjoined upon him hereby, or shall sign any fraudulent return, or shall change any word, letter or figure in said returns as made by the board of canvassers, except as hereinbefore provided, with intention to defraud, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars or imprisonment in the State prison not to exceed five years, or both such fine and imprisonment in the discretion of the court.

Candidate conceiving himself aggrieved.

SEC. 10. Any candidate voted for at any election at which State, county or district officers are voted for, who conceives himself aggrieved on account of any fraud or mistake in the canvass of the votes by the inspectors of election or the returns made by said inspectors, may, on or before the close of the last day upon which the board of county canvassers meet, present to, and file with the clerk of such board, a written petition which shall be sworn to, setting forth as near as may be the nature of the mistakes or frauds complained of, and the township, ward or district in which they occur, and asking for a correction thereof. He shall, at the same time deposit with the clerk of said board the sum of ten dollars for each and every township, ward or district referred to in his petition: *Provided*, That no candidate shall be required to deposit more than one hundred dollars, which sum shall be paid in case such petitioner does not establish a fraud or mistake as set forth in his petition by the clerk of the board of county canvassers to the county treasurer, for the use of the county.

May petition for correction when.

Deposit required.

Deposit forfeited when case not established.

Board to investigate petition, when.

SEC. 11. Upon filing the petition and making the deposit required in the preceding section, and giving at least twelve hours' written notice thereof to the opposing candidate, by handing to such candidate a copy thereof, or, if such candidate cannot be found, by leaving such copy at his last place of residence, it shall be the duty of such board of canvassers to investigate the facts set forth in said petition. For such purpose the said board shall have power to cause the ballot boxes used in such election districts, to be brought before them. The board shall, thereupon, in some public place where such candidates and their counsel may be present, if they so desire, proceed forthwith to open the ballot boxes from such districts, townships or wards, and to make a re-count thereof as to such candidates, and make correct and full return in writing under their hands to said board, showing the full number of votes given, the names of the candidates, and the number of votes given to each, written out in words and figures as upon the ballot. As soon as the re-count is completed, said board shall, at once, return the ballots to their respective boxes, carefully fasten and seal the same, and deliver them to the officer having the care and custody thereof. The returns made by the

Board to re-count votes in public and make return.

Ballots to be returned to boxes.

said board of canvassers upon re-count shall be deemed to be correct, anything in the previous return from such township, ward or district, to the contrary notwithstanding.

Return of re-count to be deemed correct.

SEC. 12. Any candidate not receiving a certificate of election, may, for error apparent upon the face of the returns, have the same examined and corrected upon *certiorari* to the circuit court of the county according to the rules and practices applicable to such rights. In all cases where, by reason of such re-count, the petitioner succeeds in establishing fraud or mistake as set forth in his petition, and receives a certificate of election, the money deposited by him shall be refunded. For fraudulent or illegal voting, or tampering with the ballot boxes before a re-count by the board of canvassers, the remedy by *quo warranto* shall remain in full force together with any other remedies now existing.

Candidates may appeal to circuit court, when.

Deposit to be refunded, when.

SEC. 13. The provisions of this act shall apply to special elections to fill vacancies in any of the offices mentioned in section four of this act, and at all elections at which any proposition shall be submitted to the electors of any county.

Act to apply to special elections.

SEC. 14. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved May 13, 1897.

[No. 126.]

AN ACT to preclude the appointment as administrator of the estate of a deceased incompetent person of any person who, within one year prior to the death of such deceased incompetent person, was the guardian of such deceased incompetent person, except heirs.

SECTION 1. *The People of the State of Michigan enact*, That in all cases in which it becomes necessary to appoint an administrator of the estate of a deceased incompetent person who, within a year prior to his death, was under guardianship, the person who was such guardian within a year prior to the death of said deceased incompetent person, shall not, unless such guardian be an heir to the estate of such incompetent person, be appointed as such administrator.

Guardian of deceased incompetent person not to be appointed administrator.

Approved May 13, 1897.

[No. 127.]

AN ACT to amend section one of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, as amended by act number one hundred and seventy-three of the session laws of eighteen hundred and fifty-five, entitled "Of courts held by justices of the peace," the same being section six thousand eight hundred and fourteen of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, as amended by act number one hundred and seventy-three of the session laws of eighteen hundred and fifty-five, entitled "Of courts held by justices of the peace," the same being section six thousand eight hundred and fourteen of Howell's annotated statutes, be, and the same is hereby amended so as to read as follows:

Jurisdiction
of justices of
the peace in
civil cases.

SECTION 1. Every justice of the peace elected in any township or city of this State and duly qualified, according to law, shall have original jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars, and concurrent jurisdiction in all civil actions upon contract, express or implied, wherein the debt or damages do not exceed three hundred dollars, except as provided in the next section, and to hear, try and determine the same according to law:

Proviso as to
where court
shall be held.

Provided, That no justice of the peace shall hold court or try any cause, civil or criminal, in any other township or city than that in which he was elected and qualified.

Approved May 13, 1897.

[No. 128.]

AN ACT to amend sections one and two of act number three of the public acts of eighteen hundred and seventy-four, entitled "An act to authorize proceedings by the State to condemn private property for public use," approved March twenty-four, eighteen hundred and seventy-four, the same being compiler's sections five thousand one hundred and ninety-six, and five thousand one hundred and ninety-seven of Howell's annotated statutes.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of act number three of the public acts of eighteen hundred and seventy-four, entitled "An act to authorize proceedings by the State to condemn private property,"

the same being compiler's sections five thousand one hundred and ninety-six, and five thousand one hundred and ninety-seven of Howell's annotated statutes, be and the same are hereby amended so as to read as follows:

SECTION 1. That it shall be lawful for the Governor or any other person or persons when by law authorized to purchase for the State at private sale or by condemnation, land as a site for any State building or buildings, State institution or public use, and for the trustees, board of control or other governing body of any State institution desirous of obtaining the right of way over lands for the benefit of such State institution, when such trustees, board of control or other governing body, or a majority thereof shall have by resolution declared the taking thereof necessary for the public use of such State institution to institute or cause to be instituted, proceedings in the name and behalf of the State of Michigan against the land sought to be acquired, and against the owners and persons interested therein, in the circuit court of the county where the land is situated, for the purpose of acquiring by the State title to such land by judicial condemnation. And the said court in which such proceeding may be instituted, shall have and possess full jurisdiction of the subject matter of such proceedings, and power to hear, adjudge, and determine all matters touching the proceedings, and the rights and interests of all concerned.

Proceedings may be instituted to acquire private property for use of State for public buildings.

Jurisdiction of court.

SEC. 2. That upon request of the Governor or a majority of the trustees, board of control or other governing body of any State institution, or other person or persons authorized as aforesaid, it shall be the duty of the Attorney General of the State, the prosecuting attorney of the county where the land is situated or in case of proceedings by or on behalf of the trustees, board of control or other governing body of any State institution, the attorney or attorneys of such State institution, as the case may be, may cause a petition to be made and filed in the proper court, signed by the Attorney General, prosecuting attorney of the county, a majority of such trustees, board of control or other governing body, the attorney or attorneys for such State institution, as the case may be, addressed to the court setting forth, with reasonable certainty, a description of the land sought to be acquired, the names of all persons owning or having an interest therein, so far as disclosed by the records of titles of the county in which the land is situated, or can be ascertained from actual occupants; that the petition is made and presented for the purpose of acquiring the title and ownership of the land described in the petition, to and for the use of the State of Michigan, and specifying generally the purpose for which it is to be used. And the petition shall ask that all persons interested in the premises, or any part thereof, be summoned to appear and answer the petition, and show cause,

Attorney General or prosecuting attorney to prosecute case.

Petition to be filed.

Summons to
issue upon
filing petition.

Service on
guardians in
certain cases.

Personal ser-
vice on non-
residents.

Service by
publication.

if any they have, against the same. Upon filing the petition, summons shall issue in accordance with the prayer thereof, against the persons named therein, returnable on a day to be named, which shall not be less than five days from the issuing and test thereof, and shall be served at least three days before the return day, by the sheriff or other officer authorized to serve process of summons, according to the rules and practice of the circuit court in other cases at law. If there are minors or persons of unsound mind interested in the premises, service may be made upon the guardian of any such person, or the court may appoint a guardian *ad litem* for any such person, who may appear and defend for the person he represents. If there are non-resident or absent persons upon whom service cannot be obtained within the county, the court may order service upon any such person wherever he may be found, and in such manner as may be directed. The person serving any such process on such non-resident or absent person shall make proof of service by affidavit, stating the place, time, and manner of service. Or the court may order and cause notice to be given to such absent or non-resident person, by publication in such newspaper printed and published in the county as the court shall designate, and for such length of time as the court may think proper, not less than three weeks, once in each week; and any such service out of the county, or notice by publication, shall be as effectual for all the purposes of such proceeding and in the condemnation of the land as though the persons had been personally served within the [county] country.

Approved May 13, 1897.

[No. 129.]

AN ACT to amend section nine of chapter one hundred and fifty-seven of the compiled laws of eighteen hundred and seventy-one, the same being compiler's section five thousand eight hundred and seventy-seven of Howell's annotated statutes of Michigan, relative to examinations of persons suspected of having concealed, embezzled, conveyed away or disposed of money, goods or chattels of deceased persons and persons suspected of having in their possession or knowledge any deeds, conveyances, bonds, contracts or other writings which contain evidence of or tend to disclose the right, title, interest or claims of deceased persons to any real or personal estate, or any claim or demand, or any last will and testament of deceased persons.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section nine of chapter one hundred and fifty-seven of the

compiled laws of eighteen hundred and seventy-one, the same being compiler's section five thousand eight hundred and seventy-seven of Howell's annotated statutes of Michigan, be and the same is hereby amended to read as follows:

5877. SEC. 9. If the person so cited shall refuse to appear and submit to such examination, or to answer such interrogatories as may be put to him touching the matter of such complaint, the court may, by warrant for that purpose, commit him to the common jail of the county, there to remain in close custody until he shall submit to the order of the court. The probate judge shall cause the examination to be taken down by a stenographer, or in such mode as shall in his discretion seem to him best, and said judge shall direct all such interrogatories and answers to be reduced to writing, signed by the party and filed in the probate court.

When persons refuse to appear for examination, court may commit to jail.

Approved May 13, 1897.

[No. 130.]

AN ACT to provide for the appointment of guardians of the persons of habitual drunkards, and of persons so addicted to the excessive use of intoxicating liquors or narcotic or noxious drugs as to need medical or sanitary treatment or care, and for restraining them in a suitable asylum or hospital, and to repeal act two hundred and forty-one, public acts of eighteen hundred and seventy-nine, entitled "An act concerning the appointment of guardians of habitual drunkards, or of persons so addicted to the excessive use of intoxicating liquors as to need medical or sanitary treatment or care."

SECTION 1. *The People of the State of Michigan enact*, That any person being a resident of this State, who shall be an habitual drunkard, or so addicted to the excessive use of intoxicating liquors, or narcotic or noxious drugs, as to need medical or sanitary treatment and care, may have a guardian of his or her person appointed by the judge of probate of the county where such person shall then reside.

Appointment of guardian of habitual drunkards.

SEC. 2. Such guardian shall only be appointed upon the petition of the husband or of the wife or of some relative by blood of the person for whom a guardian is asked, or by the supervisor of the township or alderman of the ward or one of the superintendents of poor of said county, in which said person resides. Upon the filing of such petition, the judge of probate shall fix a time for the hearing thereof, and shall cause notice thereof to be given to the respondent, and next of kin and such other persons as the judge of pro-

Guardian to be appointed upon petition of husband or wife, etc.

Upon filing petition, judge of probate to fix time of hearing.

To take testimony of witnesses and examine respondents.

May determine as to medical or sanitary care.

Shall appoint a guardian.

Guardian upon order of judge of probate may restrain ward.

To report once a year to judge of probate condition of ward.

Repealing clause.

bate shall direct at least ten days before the time of such hearing.

SEC. 3. Upon such hearing the judge of probate shall have authority to take the testimony of witnesses concerning the matter of such petition, and may also examine the respondent, and shall determine whether such guardian should be appointed; and if he shall determine that the respondent is either an habitual drunkard, or is so addicted to the excessive use of intoxicating liquors or narcotic or noxious drugs, as to require medical or sanitary treatment or care, he shall appoint some suitable person guardian of the person of the respondent, who shall continue such guardian till the further order of the judge of probate of the county in which such appointment is made.

SEC. 4. Every guardian so appointed shall have the care and custody of the person of his ward, and upon the order of the judge of probate may cause him or her to be taken to and restrained in any suitable asylum or hospital for medical or sanitary treatment or care.

SEC. 5. Every such guardian shall at least once in each year, and as often as required by the judge of probate, render a report to the judge of probate, verified by his oath, showing the condition of his ward, what medical or sanitary treatment or care he or she has been subjected to, and what reason, if any, there is for the continuance of such guardianship.

SEC. 6. Act two hundred forty-one public acts of eighteen hundred and seventy-nine, entitled "An act concerning the appointment of guardians of habitual drunkards, or of persons so addicted to the excessive use of intoxicating liquors as to need medical or sanitary treatment or care," being compiler's sections six thousand three hundred forty-four, six thousand three hundred forty-five, six thousand three hundred forty-six, six thousand three hundred forty-seven, and six thousand three hundred forty-eight of Howell's annotated statutes, be and the same are hereby repealed.

Approved May 13, 1897.

[No. 131.]

AN ACT making an appropriation for the current expenses of the Michigan Soldiers' Home, and for the Home for Soldiers, Sailors and Marines, who served in the late civil war, their wives and mothers, for the years one thousand eight hundred ninety-seven, and one thousand eight hundred ninety-eight.

Appropriation, amount of.

SECTION 1. *The People of the State of Michigan enact, That there be and hereby is appropriated from the general fund the sum of one hundred and seventy-six thousand dollars for the*

current expenses of the Michigan Soldiers' Home, and of the Home for the Soldiers, Sailors and Marines, who served in the late civil war, their wives and mothers, and other expenses necessary to the maintenance and improvement thereof for the years one thousand eight hundred ninety-seven, and one thousand eight hundred and ninety-eight: *Provided*, That of the amount hereby appropriated, it shall not be lawful for the board of managers to draw a sum exceeding eighty-eight thousand dollars in the year one thousand eight hundred ninety-seven, and the sum of eighty-eight thousand dollars, in the year one thousand eight hundred ninety-eight. Which sum shall be paid to the treasurer of the Michigan Soldiers' Home in quarterly installments, on the first of March, June, September and December of each year.

When money
to be drawn.

SEC. 2. The sums hereafter received from the general government for all allowances for periods after January first, one thousand eight hundred ninety-seven, and one thousand eight hundred ninety-eight, shall be covered into the State treasury and credited to the general fund.

Sums from
general gov-
ernment to be
covered into
State treas-
ury.

SEC. 3. The Auditor General shall add to and incorporate in the State taxes for the year one thousand eight hundred ninety-seven, the sum of eighty-eight thousand dollars, and for the year one thousand eight hundred ninety-eight, the sum of eighty-eight thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied, and collected, which sums when collected, shall be passed to the credit of the general fund to re-imburse such fund for the amounts appropriated under the provisions of this act.

How general
fund to be re-
imbursed.

This act is ordered to take immediate effect.

Approved May 13. 1897.

[No. 132.]

AN ACT to regulate the mode of plugging abandoned salt wells, and providing a penalty for the violation thereof.

SECTION 1. *The People of the State of Michigan enact*, That whenever any well shall have been put down for the purpose of exploring for and producing salt or salt brine, upon abandoning or ceasing to operate the same, the owner or operator shall for the purpose of excluding all fresh water from the salt bearing rock and before drawing and casing, fill up the well with sand or rock sediment to the depth of at least twenty feet above the second sand or salt bearing rock, and drive a round seasoned wooden plug at least two feet in length, equal in diameter to the diameter of the wall below the casing, to a point at least five feet below the bottom of the casing, and immediately after

Plugging
abandoned
salt wells.

Length and
size of plugs.

In case fresh water casing cannot be removed, how plugged.

Pin to be driven into plug.

State Salt Inspector to have supervision of work. Violation of act, penalty.

When owner or operator refuses to plug well, who may plug.

Expense. Proviso as to certain abandoned wells.

Further proviso as to counties affected.

the drawing of the casing, shall drive a round seasoned wooden plug into the well at the point just below where the lower end of the casing shall have rested, which plug shall be at least three feet in length, tapering in form and to be of the same diameter at the distance of eighteen inches from the smaller end as the diameter of the wall below the point at which it is to be driven; after it has been properly driven shall fill in on top of same with sand or rock sediment to the depth of at least five feet. In case the fresh water casing cannot be entirely removed from the offset at reasonable cost, or where wells have not been abandoned but the owner or operator has ceased to operate the same for nine months, then said well shall be plugged before disturbing casing at a point twenty feet above said second sand stone or salt bearing rock with a round wooden seasoned plug not less than twenty inches long and full size of the well at that point; said plug to have a hole through the center from one and one-half to two inches in diameter, and said plug to be quarter sawed about one-half of its depth from outside to hole in center and full length of plug. When above described plug is in proper place a round seasoned wooden pin of proper size and taper shall be driven into hole in center of above described plug, thereby splitting and spreading said plug against wall of well. Then five feet of clay shall be put on top of said pin and plug and thoroughly packed. All such work to be done under the supervision of and approved by the State Salt Inspector or his appointed agents.

SEC. 2. Any person, corporation, company or firm who shall violate the provisions of this act shall be liable to a penalty of two hundred dollars, one-half to be for the use of the informer, and one-half to the use of the county in which such well may be situated, to be recovered as debts of like amount are by law recoverable.

SEC. 3. Whenever any owner or operator shall neglect or refuse to comply with the provisions of section one of this act, the owner or operator of any salt well within said county within which such abandoned well may be, may enter, take possession of said abandoned well and plug the same as provided by this act at the expense of the owner of the land on which abandoned well is located: *Provided, however,* That nothing in this act shall be so construed as to apply to any such abandoned or idle salt producing wells as are sunk to the rock salt strata, *i. e.*, those salt producing wells into which fresh water is forced from the surface for the purpose of dissolving the rock salt and thus creating brine for the manufacture of salt, as described in volume five of the geological survey of Michigan of one thousand eight hundred eighty-one to one thousand eight hundred ninety-three: *Provided further,* That the provisions of this act shall be applicable only to the salt wells of Saginaw and Bay counties.

Approved May 13, 1897.

[No. 133.]

AN ACT to amend section one of act one hundred seven of public acts of eighteen hundred ninety-five, entitled "An act to provide for recording in the offices of registers of deeds certified copies of judgments and decrees of courts of record and making the record thereof evidence in courts and making such records heretofore made like evidence."

SECTION 1. *The People of the State of Michigan enact, That* section one of act one hundred seven of public acts of eighteen hundred ninety-five, entitled "An act to provide for recording in the offices of registers of deeds certified copies of judgments and decrees of courts of record and making the record thereof evidence in courts and making such records heretofore made like evidence," be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. "That whenever any circuit court, court of chancery, probate court, or other court of record in this State, shall have rendered any final judgment or decree by the terms of which any person or persons shall be decided to be the owner or owners of any land in this State described therein, or wherein any person or persons shall be determined to be the heirs and entitled to inherit the lands of any deceased owner, or whereby any lands shall be distributed, assigned or partitioned to any person or persons, a copy of such judgment or decree duly certified under the seal of such court may be recorded in the office of the register of deeds of any county or counties in which lands described in or affected by such judgment or decree shall be situated." When copy of judgment may be recorded.

Approved May 13, 1897.

[No. 134.]

AN ACT to amend section one of act number two hundred twenty-one of the session laws of eighteen hundred and sixty-five, entitled "An act requiring judges of probate in certain cases to give notice to foreign consuls of an application for administration in the estate of deceased persons," approved March eighteenth, eighteen hundred sixty-five, as amended by the acts amendatory thereof, the same being section sixty-eight hundred and twelve of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact, That* section one of act number two hundred twenty-one of the session laws of eighteen hundred and sixty-five, entitled "An act Section amended.

requiring judges of probate in certain cases to give notice to foreign consuls of an application for administration in the estate of deceased persons," approved March eighteenth, eighteen hundred and sixty-five, as amended, the same being section sixty-eight hundred and twelve of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Judge of probate to give notice in certain cases to foreign consuls for administration of estates of deceased persons.

Such notice may be sent by letter addressed to consul.

SECTION 1. Whenever it shall appear upon application to any probate court for letters of administration, or to prove the will of any deceased person, that the heirs at law of said deceased, or any of them, are residents of a foreign country, it shall be the duty of the judge of such probate court to notify the consul of such foreign nation in the city of New York, or the consul, vice consul, or consular agent, resident in this State, if there be one of such foreign nation, of the pending of, and the day appointed for hearing such application. And such notice may be given by letter addressed to such consul, vice consul, or consular agent, and deposited in the postoffice, with the postage prepaid thereon, at the city or village where such application was made, at least sixty days before such day of hearing, unless such heir or heirs shall file in such probate court a waiver of such notice, in writing and under oath.

Approved May 13, 1897.

[No. 135.]

AN ACT to amend section three of act number one hundred and twenty-nine of the public acts of eighteen hundred and eighty-three, entitled "An act for the organization of telephone and messenger service companies," approved May thirty-first, eighteen hundred and eighty-three, the same being section thirty-seven hundred and eighteen c of the third volume of Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section three of act number one hundred and twenty-nine of the public acts of eighteen hundred and eighty-three, entitled "An act for the organization of telephone and messenger service companies," approved May thirty-first, eighteen hundred and eighty-three, the same being section thirty-seven hundred and eighteen c of the third volume of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Limit to amount of shares.

SEC. 3. The stock of every such corporation shall be divided into shares of not less than ten dollars nor more than one hundred dollars each, and shall be deemed personal property.

Approved May 13, 1897.

[No. 136.]

AN ACT to protect the lives and property of persons at the crossing of railroads and public highways, within the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, It shall be and is hereby made the duty of all railroad companies operating any railroad within this State and of the officers and managers thereof, to erect and maintain near all crossings of highways when the Commissioner of Railroads shall so order an automatic bell signal to be operated by moving trains, such bell to be of sufficient weight and vibration to be distinctly heard at a distance of at least twenty rods, and constantly to keep and maintain any such automatic bell in good order and repair.

Railroad companies to erect and maintain automatic bell-signal at crossings.

SEC. 2. It shall be the duty of the Commissioner of Railroads whenever applied to by petition signed by at least ten freeholders of this State using any crossing and duly verified, setting forth that any railroad crossing giving its location and situation is dangerous to the traveling public; to proceed forthwith to investigate the same, and if he shall find the said petition to be true and the said railroad crossing be so located and situated as to be dangerous or likely to be injurious to the traveling public he shall forthwith order and require the railroad company or companies whose duty it is to maintain any such crossing, forthwith to erect at any such railroad crossing an automatic bell signal of the kind mentioned in section one of this act; all such orders shall be in writing and shall require the railroad company to cause the said automatic bell signal to be erected within thirty days from the service of the same upon any such railroad company. Any such order may be served in the same manner as now provided for the service of original writs upon railroad companies or by delivering a copy thereof to any of the principal officers of any such railroad company, and the said commissioner shall determine and state in the said order the manner of erecting any such signal, giving the distance away from any such crossing a railroad train shall be when the signal bell shall commence to ring and sound its warning.

Railroad Commissioner when petitioned to investigate crossings.

When to order automatic bell signal at crossings. Order to be in writing.

How served.

Manner of erecting signal.

SEC. 3. This act shall not be construed to apply to crossings guarded by flag men or other protection under the management and care of some servant in the employ of such railroad company.

What crossings exempt.

SEC. 4. Any railroad company which shall neglect or fail to comply with the provisions of this act or with the order of the Railroad Commissioner made in pursuance of the authority in him vested, shall be liable for all damages sustained by reason thereof and also to a penalty of ten dollars for each and every day they shall so neglect to erect any such automatic bell after the expiration of the time stated in any such order of the Com-

In case of failure to comply, to be liable for damages.

Penalty.

missioner, to be recovered in an action of debt or assumpsit in the name of the people of this State.

Prosecution,
by whom
brought.

SEC. 5. It shall be the duty of the prosecuting attorney of each of the counties of this State and also of the Attorney General in case suit is not brought by the prosecuting attorney to sue for and collect any such penalty; all moneys collected on account of such penalties shall be paid to the State Treasurer.

Approved May 13, 1897.

[No. 137.]

AN ACT to prevent the introduction or spread of San Jose scale or other injurious insects or infectious diseases of trees, vines, shrubs or plants grown in this State or imported from other states, provinces or countries.

Board of Agri-
culture to ap-
point inspect-
or of nurser-
ies and or-
chards.

Term of
office, duties.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the State Board of Agriculture, immediately upon the taking effect of this act, to appoint some competent person who shall be known as State inspector of nurseries and orchards, who shall hold office during the pleasure of said board, whose duty shall be to inspect any and all nurseries in the State of Michigan, as to whether they are infected by San Jose scale or other injurious or destructive insects or infected with infectious or contagious diseases, and if upon such inspection he find no such dangerous insects or diseases, he shall upon payment of per diem fee hereinafter provided, give to the owner of such nurseries a certificate to that effect, and shall file a duplicate certificate with the State Board of Agriculture; and in case he shall find present in any such nursery any of said dangerous insects or diseases, he shall notify the owner thereof in writing, and shall direct him within five days to use such means as will exterminate such dangerous diseases or insects, and the owner of such nursery shall not ship nor deliver any such trees, vines, shrubs or plants affected by such dangerous insects or diseases until he shall have secured from said inspector a certificate as aforesaid.

Owner of nur-
series, etc., to
destroy
insects or dis-
eases in trees.
Not to ship
nor deliver
trees infected.

SEC. 2. The owner of such nursery, trees, vines, shrubs or plants shall, within the time specified in such notice, take such steps for the destruction of such insects or diseases as will exterminate the same, and he shall not ship nor deliver any such trees, vines, shrubs nor plants affected with such dangerous diseases or insects under the penalty of a fine of one dollar for every tree, vine, plant or shrub so affected, when shipped or delivered from such nursery, which fine shall be collected by suit by the prosecuting attorney of the county in which said nursery is located.

orchard in this State, or are supposed to exist, to investigate the case, and if such dangerous insects or diseases are found, he shall have authority to enter upon the premises and proceed according to the provisions of sections one, two and three of this act, in exterminating the same. In case the owner or occupant of the premises shall refuse or neglect to comply with the orders of said inspector within five days, the inspector shall employ such aid as may be necessary to carry out his orders and recommendations, the expense of which procedure shall be certified to the township board and by them allowed, who shall cause the same to be assessed as a special tax upon the premises concerned.

In case owner refuse, how to proceed.

SEC. 10. The State inspector of orchards and nurseries shall have power to appoint such number of deputy inspectors as may be required, subject to approval by the State Board of Agriculture.

May appoint deputies.

SEC. 11. All expenses incurred under the provisions of this act, not otherwise provided for, shall be audited by the State Board of Agriculture, and paid out of the general fund of the State, and the Auditor General shall draw his warrant for the same: *Provided*, That all moneys collected by the State Board of Agriculture, under this act, shall be paid into the general fund of the State treasury.

Expenses how audited and paid.

Proviso as to moneys collected.

Approved May 13, 1897.

[No. 138.]

AN ACT to provide for the incorporation of Methodist Protestant churches.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons not less than five of full age, residing within the bounds of the charge in which the proposed church is to be located, to organize and procure the incorporation of a Methodist Protestant church.

Number who may incorporate.

SEC. 2. The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgments of deeds, articles of association in writing, whereby they shall agree to organize a church which shall be governed by the discipline, rules and usages of the Methodist Protestant church.

Incorporators to execute articles of association.

SEC. 3. Said articles of association shall contain the following items: First, The name of said church; Second, The township, village or city, and the county in which it shall be located; Third, An agreement to worship and labor together according to the discipline rules and usages of the Methodist Protestant church. Said articles may be in the following form:

Items required in articles of association.

To file list of purchasers with Board of Agriculture.

Penalty for not filing list.

Proviso as to who may sell or exchange trees.

Foreign firms or corporations to obtain license from board to sell in this State.

To file bond and certificate with board.

Upon receipt of fee board to issue license.

In case of dispute between commissioner and owner as to infected trees, inspector to investigate.

To recommend proper remedies, decision to be final.

When may enter premises and inspect orchards.

the provisions of this act, and that upon demand he will file with the State Board of Agriculture, a list of the persons to whom he has sold or delivered any such nursery stock giving the species together with the postoffice address of each purchaser which list shall be held in strict confidence by the said State Board of Agriculture, and not be subject to inspection by the public. Failure on the part of any nurseryman, grower, agent or dealer to comply with the provisions of this section shall render him or them liable to the penalties of a fine of not more than one hundred nor less than twenty-five dollars, or imprisonment in the county jail for not more than ninety nor less than thirty days or both such fine and imprisonment in the discretion of the court for each and every such sale. Such information shall be preserved and be for the sole use of the nursery and orchard inspector and his deputies: *Provided*, That the provisions of the preceding sections shall not apply to persons engaged in fruit growing, who are not nurserymen, who desire to sell or exchange surplus trees or plants of their own growing.

SEC. 6. No person, firm or corporation resident of another state, province or country shall engage or continue in the business of importing any trees, plants, shrubs or vines, commonly known as nursery stock, into this State or of selling such importations within the State, or of selling such articles within the State, for subsequent importation into it, without first having obtained from the State Board of Agriculture a license to do business in this State as provided in section five of this act, and shall have filed with the State Board of Agriculture the bond therein required, together with a certificate of inspection by a state or government inspector or that of some person designated by the Michigan State Board of Agriculture for such purpose.

SEC. 7. The State Board of Agriculture shall, upon receipt of the fee referred to in this act, together with the required bond and a satisfactory certificate of inspection, issue licenses to the applicant according to the provisions of this act.

SEC. 8. Whenever the commissioners under acts number one hundred and eight and one hundred and nine, session laws of eighteen hundred and ninety-five, known as yellows commissioners, shall be uncertain as to the existence or nature of any infectious or contagious disease or dangerous insect pest in an orchard or elsewhere, or in case any dispute shall arise between owners and commissioners, it shall be the duty of said commissioners to notify the State inspector of orchards and nurseries, who shall at once investigate or inquire into the matter and suggest or recommend the proper remedies, and give all the information he can to aid in exterminating such insects or diseases, and his decision of the case and recommendation shall be final.

SEC. 9. It shall be the duty of the State inspector, whenever it shall come to his knowledge that any destructive insects or infectious or contagious diseases exist in any

orchard in this State, or are supposed to exist, to investigate the case, and if such dangerous insects or diseases are found, he shall have authority to enter upon the premises and proceed according to the provisions of sections one, two and three of this act, in exterminating the same. In case the owner or occupant of the premises shall refuse or neglect to comply with the orders of said inspector within five days, the inspector shall employ such aid as may be necessary to carry out his orders and recommendations, the expense of which procedure shall be certified to the township board and by them allowed, who shall cause the same to be assessed as a special tax upon the premises concerned.

In case owner refuse, how to proceed.

SEC. 10. The State inspector of orchards and nurseries shall have power to appoint such number of deputy inspectors as may be required, subject to approval by the State Board of Agriculture.

May appoint deputies.

SEC. 11. All expenses incurred under the provisions of this act, not otherwise provided for, shall be audited by the State Board of Agriculture, and paid out of the general fund of the State, and the Auditor General shall draw his warrant for the same: *Provided*, That all moneys collected by the State Board of Agriculture, under this act, shall be paid into the general fund of the State treasury.

Expenses how audited and paid.

Proviso as to moneys collected.

Approved May 13, 1897.

[No. 138.]

AN ACT to provide for the incorporation of Methodist Protestant churches.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons not less than five of full age, residing within the bounds of the charge in which the proposed church is to be located, to organize and procure the incorporation of a Methodist Protestant church.

Number who may incorporate.

SEC. 2. The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgments of deeds, articles of association in writing, whereby they shall agree to organize a church which shall be governed by the discipline, rules and usages of the Methodist Protestant church.

Incorporators to execute articles of association.

SEC. 3. Said articles of association shall contain the following items: First, The name of said church; Second, The township, village or city, and the county in which it shall be located; Third, An agreement to worship and labor together according to the discipline rules and usages of the Methodist Protestant church. Said articles may be in the following form:

Items required in articles of association.

Form of articles.

We, the undersigned, desiring to become incorporated under the provisions of act number one hundred thirty-eight of the public acts of eighteen hundred and ninety-seven, entitled "An act to provide for the incorporation of Methodist Protestant churches," do hereby make, execute and adopt the following articles of association, to wit:

Name of corporation.

First, The name assumed by this corporation, and by which it shall be known in law, is "the Methodist Protestant church;"

Location of church.

Second, The location of said church shall be in the of, county of, and State of Michigan;

Members to be governed by rules of M. P. church.

Third, The members of said church shall worship and labor together according to the discipline, rules and usages of the Methodist Protestant church, as from time to time authorized and declared by the general conference of said church, and the annual conference within whose bounds said corporation is situated;

Number and terms of trustees.

Fourth, The trustees of this corporation shall be in number. At the first election of trustees of said church under these articles, trustees shall be elected for a term of one year, trustees shall be elected for a term of two years, and trustees shall be elected for a term of three years, and trustees shall be elected at each annual election thereafter;

Annual meeting.

Fifth, The annual meeting of this society shall be held on of in each year, for the purpose of electing trustees, and transacting such other business as may properly come before it.

Subscription.

In witness whereof, we, the parties associating for the purpose of giving legal [effect] affect to these articles, hereunto sign our names and places of residence.
Done at the of, county of and State of Michigan, this day of A. D.
(Signatures.) (Residences.)

STATE OF MICHIGAN, } ss.
County of

On this day of A. D. before me, a in and for said county, personally appeared, known to me to be the persons named in, and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

.....
.....

Articles to be recorded in office of county clerk.

SEC. 4. Said articles of association shall be recorded in the office of the county clerk of the county wherein such church, or their place of worship, is located, such record to be made in a book provided by said clerk for that purpose; and such

clerk shall be entitled to ten cents for each folio for recording the same. When said articles of association shall have been recorded, or left for record in the office of the said county clerk, the said persons so signing said articles of association, and their associates and fellow members of said church, and all who may thereafter become members of said church, according to the rules, usages and discipline of the Methodist Protestant church, shall thereby become and thenceforth be a body politic, or corporation, by the name expressed in the said articles of association, with all the powers, rights and privileges appertaining to religious corporations by the laws of this State.

Fees for recording. Corporation to be in existence on filing of articles.

SEC. 5. Said church, when so organized, shall be in all matters of church government and ecclesiastical polity subject to the discipline, rules and usages, and ministerial appointments of the Methodist Protestant church, as from time to time authorized by the general conference of said church, and the annual conference within whose bounds said corporation may be situated.

Church to be under government of M. P. general conference.

SEC. 6. The secular affairs of said church shall be managed by a board of trustees, consisting of not less than three, nor more than nine members of the association, elected and organized according to the provisions of the discipline of the Methodist Protestant church, who shall hold office until their successors have been elected and enter upon the duties of the office.

Secular affairs to be managed by board of trustees.

SEC. 7. Said corporation may have a seal, and alter the same at pleasure. It may, in its corporate name, sue and be sued in all courts of this State. It shall have power to acquire, hold, sell or convey property, both real and personal, in accordance with this act, and it may hold and recover all debts, demands, rights, privileges and all property, whether real or personal, of whatsoever sort it may be, belonging or appertaining to said church, in whatsoever manner the same may have been acquired, and in whosoever hands the same may be held, the same as if the right and title had originally been vested in said corporation. The board of trustees may authorize certain officers of said board to affix the name and seal of said corporation, and to execute and attest conveyances, notes, obligations, acquittances, and all necessary legal documents. It may sell, mortgage or otherwise dispose of its personal property, and it may, under restrictions hereinafter provided, sell, mortgage or otherwise dispose of or incumber, its real estate, but not for current expenses. It may hold so much land as may be needed for the proper purposes of the church and its parsonage. It may also hold for a period not to exceed ten years, real estate, which may be conveyed or devised to it, or to said trustees, to be sold and the proceeds to be used in any way for the benefit of said church, as directed in the conveyance or will. Said corporation shall at all times permit all ministers belonging to the Methodist Protestant church, as shall from time to time be duly authorized by the annual con-

Corporate rights.

Attesting conveyances and legal documents.

Mortgage and sale of personal and real estate.

Amount of real estate may hold.

Ministers presidents and pastors to be appointed by conference.

ference, within whose bounds the said corporation may be, to preach and expound God's holy word therein; and shall permit presidents and pastors, duly appointed, to execute the discipline of the Methodist Protestant church and to administer the sacraments therein.

Power of trustees to handle property.

Proviso.

Further proviso.

Property to revert to general conference when abandoned.

Conference may apply to court for license to sell.

Service of process.

Provisions for amending articles.

SEC. 8. The trustees shall have power according to the terms and limitations of the discipline of the Methodist Protestant church, as from time to time authorized and declared by the general conference of said church, to purchase, build, repair, lease, sell, rent, mortgage, encumber or otherwise dispose of property: *Provided*, That in case of selling, mortgaging or otherwise encumbering, or disposing of real estate, the consent of the president of the annual conference within whose bounds the said corporation may be, be obtained: *And provided further*, That in case the said president shall refuse, or withhold his consent to the selling, mortgaging, encumbering or disposing of real estate, appeal may be had to the said conference at its next session, and said appeal shall be final.

SEC. 9. In all cases where property belonging to any church society incorporated under the provisions of this act has been abandoned, or is no longer used for the purpose for which said property was acquired or for the benefit of said church society, and has not been conveyed by said society under the provisions of this act, or said corporation has dissolved or become extinct, the title to said property belonging to said corporation shall pass to the annual conference within whose bounds said property is located. And said annual conference may, by such officer, or committee as said conference may designate for that purpose, apply to the circuit court for the county in which said property may be, for license to sell the same. And such license may be granted by said court, after such notice of said application as the court may direct, and thereupon said property may be sold and the proceeds of such sale disposed of as provided in the book of discipline of the Methodist Protestant church; and said court, upon the hearing of said application, may dissolve said corporation when it shall appear by proof that said society has ceased to support a pastor, or perform the usual functions of a church, for a period of two years.

SEC. 10. In all suits or legal proceedings brought against corporations organized under the provisions of this act, process may be served upon the chairman or any member of the board of trustees.

SEC. 11. It shall be lawful for any church society incorporated under the provisions of this act, at a meeting called for that purpose, of which four weeks' notice shall have been given by announcement at a regular service by a vote of two-thirds of all the qualified members present and voting, to amend its articles of association in any way not inconsistent with the provisions of this act, or the book of discipline of the Methodist Protestant church; and such amendment shall become operative when said amended articles are executed and

acknowledged in the same manner as stated in sections two and three of this act and the same has been recorded, or left for record as provided in section four of this act.

SEC. 12. Any Methodist Protestant church society heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate, may, by a two-thirds vote of its qualified members, place itself under the provisions of this act, the same as if originally incorporated under it, by two-thirds of the qualified members executing articles of association as hereinbefore provided and recording the same as also hereinbefore provided.

Society may reincorporate under this act.

SEC. 13. In all proceedings or suits that may arise or be brought in any of the courts of this State, touching or in any way concerning churches that may be incorporated under this act, or by a vote of the qualified members have placed themselves under its provisions, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated or placed thereunder.

Other acts to be construed with reference to this act.

SEC. 14. It is further provided that the execution by the trustees of said corporation, of any deed, mortgage, note, bond or other obligation, or contract of said corporation in proper form shall be *prima facie* evidence of the proper appointment of said trustees, said proceedings having been authorized by the society and president as hereinbefore provided.

Execution of papers by trustees to be evidence of proper appointment.

This act is ordered to take immediate effect.

Approved April 9, 1897.

[No. 139.]

AN ACT to permit sureties on bonds given by executors, administrators, guardians or trustees and filed in any probate court of this State to appear in such court in support of or in opposition to the allowance of the accounts of such executor, administrator, guardian or trustee and to appeal from the final decree of such court thereon.

SECTION 1. *The People of the State of Michigan enact*, That any surety on the bond given by any executor, administrator, guardian or trustee and filed in any probate court of this State may appear in such court in support of or in opposition to the allowance of the account of such executor, administrator, guardian or trustee and may appeal from the final decree of such court thereon when aggrieved by such decree, and prosecute such appeal to effect.

Surety on bond of administrator, etc., may appear in court in support or in opposition to allowance of accounts.

Approved May 13, 1897.

[No. 140.]

AN ACT to amend section three of act number fifty-nine of the session laws of eighteen hundred and ninety-one, entitled "An act for the incorporation of associations for yachting, hunting, fishing, boating, rowing and other lawful sporting purposes," approved May six, eighteen hundred and ninety-one, the same being section forty-eight hundred and nineteen of Howell's annotated statutes of the State of Michigan.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number fifty-nine of the session laws of eighteen hundred and ninety-one, entitled "An act for the incorporation of associations for yachting, hunting, fishing, boating, rowing and other lawful sporting purposes," approved May six, eighteen hundred and ninety-one, the same being section forty-eight hundred and nineteen, of Howell's annotated statutes of the State of Michigan, be and the same is hereby amended so as to read as follows:

Call for first
meeting of
association.

SEC. 3. The first meeting of such association, for the election of directors and the adoption of a constitution, by-laws, rules or regulations for the government of the association, and the management and control of its business and affairs, shall be called in the manner following, that is to say: Ten or more of the persons signing such articles of association may sign and file in the office of the said county clerk and of the Secretary of State a written call for or notice of such first meeting, which call or notice shall briefly set forth the day, hour and place of such meeting, which shall not be less than four nor more than eight weeks from date of filing such call or notice, and shall state the purposes for which such meeting is called.

Publication
of call.

A copy of such call or notice shall be published in some paper printed and circulating in the county in which the principal office or place of business of such association is to be located once a week for three successive weeks next preceding the time

Proviso as to
waiver.

of such meeting: *Provided*, That if all the persons signing such articles of association shall sign and file with the articles of association in the offices of said county clerk and of the Secretary of State an agreement in writing naming, fixing and agreeing upon a day, hour and place for the holding of such first meeting, and the purposes thereof, the filing of a call therefor or notice thereof and the publication of a copy of such notice hereinbefore required shall be unnecessary and may be dispensed with. At such first meeting there shall be

Election of
directors.

elected the directors of the association to the number fixed and determined by the articles of association, who shall hold office for the terms or periods provided by the constitution or by-laws of the association, and in default of any such provision, then for the term of one year. The time, place, and manner of holding subsequent elections of directors of the association, and their terms of office, may be fixed and determined by the

Subsequent
elections.

constitution and by-laws of the association as adopted or amended from time to time, and, at the first or any subsequent election of directors, they may be elected for varying or different terms or periods of office, as provided by the constitution or by-laws, in such manner as to prevent and avoid the expiration of the terms of office of all of the directors of such association at the same time. The directors of the association shall constitute the board of directors thereof, and shall have the general control and management of the funds and the business and affairs of the association, subject to the restrictions and provisions of the articles of association, rules, regulations, constitution or by-laws of the association. A majority of the said board shall constitute a quorum for the transaction of all business, except when otherwise provided by the articles of association, constitution or by-laws of the association, and when any vacancy shall occur among such directors by death, resignation, neglect to serve, ineligibility or otherwise, such vacancy shall be filled in such manner as may be provided by the constitution or by-laws of the association. Not less than two-thirds of the number of directors of any such association shall be, at the time of their election and during their term of office, residents of this State. The board of directors shall elect or appoint all officers or committees that may be provided for by the constitution or by-laws of the association. In the case of associations formed or existing under this act for the purpose of yachting, rowing, boating or other similar sporting purposes, the president and vice president may be known and designated respectively as commodore, and vice commodore, or by other similar appropriate titles, as provided by the constitution or by-laws of such association: *Provided*, That the constitution or by-laws of any association formed or existing under the provisions of this act may provide for the election of the president, commodore, or any other principal officer or officers of such association, who shall be, by virtue of his office, a member of the board of directors of such association, directly by ballot of the members of the association, instead of the election of the full number simply as directors and the subsequent election by the board of directors of such officer or officers as hereinbefore provided for.

Powers of directors.

Majority to constitute quorum.

Two-thirds of number of directors to reside in this State. Directors to appoint officers.

President may be called commodore.

Proviso as to election of president or commodore.

Approved May 14, 1897.

[No. 141.]

AN ACT to amend the title and sections one, two and five of act number seventy-seven of the session laws of eighteen hundred and ninety-one, entitled "An act to provide for the adoption and change of name of minors, and for making them heirs at law of the person or persons adopting them, and to repeal act number one hundred forty-four of the public acts of eighteen hundred and eighty-seven, relative to the adoption and change of name of minors and making them heirs at law of the person or persons adopting them."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That the title of act number seventy-seven of the session laws of eighteen hundred and ninety-one be and the same is hereby amended so as to read: "An act to provide for the adoption of minors, and for a change of name of such minors when a change of name is desired, and for making them heirs at law of the person or persons adopting them, and to repeal act number one hundred and forty-four of the public acts of eighteen hundred and eighty-seven, relative to the adoption and change of name of minors and making them heirs at law of the person or persons adopting them."

SEC. 2. That section one of said act be and is hereby amended to read as follows:

When change
of name is
desired.

SECTION 1. That whenever any person or persons shall desire to adopt any minor child, and to change the name of such child, and to bestow upon him or her the family name of the person or persons adopting such child, or to adopt any minor child without a change of name, with intent to make such child his, her or their heir, such proceedings shall be had as are hereinafter provided.

Amending
section.

SEC. 3. That section two of said act be and is hereby amended so as to read as follows:

By consent of
who.

SEC. 2. Such adoption, and in case a change of name is desired, such change of name shall be with the consent of the persons hereinafter described, viz.:

By parents or
survivor.

(a.) In case the parents of said child, or either of them, are living, then with the consent of such parent or the survivor of them.

Abandoned
child.

(b.) In case such child is abandoned by one of its parents, then with the consent of the other parent.

Illegitimate
child.

(c.) In case such child be illegitimate, then with the consent of its mother.

Orphan
child, etc.

(d.) In case such child is an orphan, or is abandoned by its parents or surviving parent, or by its mother, if it be illegitimate, then with the consent of the nearest of kin or guardian of such child, or of the principal officer of any incorporated asylum, hospital or home, of which such child may be an inmate, or of two superintendents of the poor of the county, or

the director of the poor of any city or township of which such child is a resident, or of the principal officer of any institution, public or private, in this State or elsewhere, in whose care such orphan or abandoned child may be.

(e.) In case the parents, or surviving parent of such child, or the mother, if said child be illegitimate, or the parent who has not abandoned it, if such child has been abandoned by one of its parents, has or have surrendered and released, in a writing duly executed and acknowledged before an officer authorized by law to take acknowledgments of deeds, all his, her or their parental rights in and to such child and the custody and control thereof to an incorporated asylum, hospital or home, of which such child may be an inmate, for the purpose of enabling such incorporated asylum, hospital or home to have said child adopted by some suitable person, its name changed when a change is desired, and the child made an heir at law under the provisions of this act, then with the consent of the principal officer of any such incorporated asylum, hospital or home, and the aforementioned release executed by a parent or parents as aforesaid to said asylum, hospital or home, shall be filed with the instrument of adoption in the probate court.

When instrument of adoption to be filed in probate court.

(f.) In case said child is legally an inmate of the State Public School, then with the consent of the superintendent of such school, and the county agent of the State Board of Charities for the county wherein the person adopting such child resides.

By consent of superintendent and county agent.

(g.) In any case heretofore described, if such child be above the age of ten years, then with the additional consent of such child.

With consent of child.

(h.) In case any person herein designated as a parent with whose consent such adoption and change of name, where such change is desired, shall be insane or mentally incompetent, then such adoption and change of name, where change of name is desired, shall be with the consent of the general guardian of such insane or mentally incompetent parent, and such consent of the general guardian shall have the same force and effect as if made by the insane or mentally incompetent parent while in sound mind.

With consent of general guardian.

SEC. 4. That section five of said act be and is hereby amended so as to read as follows:

Amending section.

SEC. 5. Such judge of probate with whom such instrument is filed, shall thereupon make an investigation, and if he shall be satisfied as to the good moral character, and the ability to support and educate such child, and of the suitability of the home of the person or persons adopting said child, he shall make an order to be entered on the journal of the probate court that such person or persons do stand in the place of a parent or parents to such child, and in case a change of name is desired, that the name of such child be changed to such name as shall be designated in said instrument for that purpose. Whereupon such child shall, in case of a change of name thereafter be known and called by said new name and the person or persons

Judge of probate to make investigation and enter on journal.

Child to be called by new name and be heir at law.

so adopting such child, shall thereupon stand in the place of a parent or parents to such child in law, and be liable to all the duties and entitled to all the rights of parents thereto, and such child shall thereupon become and be an heir at law of such person or persons, the same as if he or she were in fact the child of such person or persons.

This act is ordered to take immediate effect.

Approved May 19, 1897.

[No. 142.]

AN ACT making an appropriation for the use of the State Board of Health, to enable it to comply with act one hundred and forty-six of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread and the best methods for the restriction and prevention of such diseases."

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of two thousand five hundred dollars per annum, is hereby appropriated out of the general fund, to enable the State Board of Health to comply with section one of act one hundred and forty-six of the public acts of eighteen hundred and ninety-five. Itemized bills for expenses incurred under this act shall be audited by the State Board of Health, whereupon the Auditor General shall draw his warrant for the amounts allowed, not exceeding the amount appropriated, and the amounts thus allowed shall be paid from the State treasury.

Expenses audited by State Board of Health.

Amount to be added to taxes by Auditor General.

SEC. 2. The Auditor General shall add to and incorporate with the taxes for each year the amount above appropriated, which, when collected, shall be passed to the credit of the proper fund.

This act is ordered to take immediate effect.

Became a law without the Governor's approval May 16, 1897.

[No. 143.]

AN ACT to amend sections one, two, seven, nine, twelve and twenty-seven, of act number one hundred and seventy-nine of the public acts of eighteen hundred and ninety-one, entitled "An act to establish, protect and enforce by lien the rights of mechanics and other persons furnishing labor or materials for the building, altering, improving, repairing, erecting or ornamenting of buildings, machinery, wharves and all other structures; and to repeal all acts contravening the provisions of this act," as amended by act number one hundred and ninety-nine of the public acts of eighteen hundred and ninety-three.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, seven, nine, eleven, twelve and twenty-seven of act number one hundred and seventy-nine of the public acts of eighteen hundred and ninety-one, entitled "An act to establish, protect and enforce by lien the rights of mechanics and other persons furnishing labor or materials for the building, altering, improving, repairing, erecting or ornamenting of buildings, machinery, wharves and all other structures; and to repeal all acts contravening the provisions of this act," as amended by act number one hundred and ninety-nine of the public acts of eighteen hundred and ninety-three, be and the same are amended to read as follows: Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That every person who shall, in pursuance of any contract, express or implied, written or unwritten, existing between himself as contractor, and the owner, part owner or lessee of any interest in real estate, build, alter, improve, repair, erect, ornament or put in, or who shall furnish any labor or materials in or for building, altering, improving, repairing, erecting, ornamenting or putting in any house, building, machinery, wharf or structure, and every person who shall, as sub-contractor, laborer or material man, perform any labor or furnish materials to such original or principal contractor, or any sub-contractor, in carrying forward or completing any such contract, shall have a lien therefor upon such house, building, machinery, wharf and other structure, and its appurtenances, and also upon the entire interest of such owner, part owner or lessee, in and to the lot or piece of land not exceeding one quarter section of land, or if in any incorporated city or village, not exceeding the lot or lots upon which such improvement is made, to the extent of the right, title and interest of such owner, part owner or lessee at the time work was commenced or materials were begun to be furnished by the contractor under the original contract, or by the sub-contractor who furnishes or is furnished with any labor or material in the performance or execution of such sub-contract, and also to the extent of any subsequent Lien created for labor and materials furnished. To cover house, building and machinery. Limit of.

Proviso as to notice.

acquired interest of any such owner, part owner or lessee, and in case of the construction of a number of buildings under one contract, upon the same lot or contiguous lots for the same owner, part owner or lessee, of any interest in the real estate upon which said buildings are situated, such lien for such material or labor so furnished, shall attach to all of said buildings, together with the land upon which the same are being constructed, the same as hereinbefore provided in the case of a single building or improvement: *Provided*, That any person, firm or corporation furnishing materials or performing labor of any kind entering into the construction of such building or structure shall, within thirty days after furnishing the first of such material or performing the first of such labor to any contractor or sub-contractor, serve on the owner, part owner or lessee of the premises, or his agent, a notice, which notice shall be such as will inform the owner, part owner or lessee of the premises, or his agent, of the nature of the materials furnished, or labor performed, or to be performed, and a description of the premises where furnished, if such owner, part owner or lessee reside in or has a known agent in the county in charge of such structure or improvements. Such notice may be in the following form:

Form of notice.

To, take notice that the undersigned is furnishing to certain labor (or materials) for building (or altering, improving, repairing, erecting or ornamenting, as the case may be) a certain situated on the following described property.....

Time of notice.

Such notices, however, shall be sufficient if served at any time subsequent to said thirty days, but before the original contractor shall make out and give to the owner, part owner or lessee or his agent a statement under oath of the number and names of every sub-contractor or laborer in his employ, and of every person, firm or corporation furnishing materials, giving the amount, if anything, which is due or to become due on them, or any of them, for work done or materials furnished as required by section four of this act. The owner, part owner or lessee shall not be liable to the sub-contractor, material men, or laborers, for any greater amount than he contracted to pay the original contractor, and shall be entitled to recoup any damages which he may sustain by reason of any failure or omission in the performance of such contract; but the risk of all payments made to the original contractor after he shall have received the notice above mentioned, or before the contractor shall have furnished him with a statement as hereinbefore provided, shall be upon the owner, part owner or lessee until the expiration of sixty days, within which claims for lien may be filed as hereinafter provided, and no payment made to any contractor before the expiration of said sixty days shall defeat any lien of any sub-contractor, material man

Limit of liability of owner.

Remedy against contractor. When payment to contractor at risk of owner.

or laborer, unless such payment has been distributed among the sub-contractors, material men or laborers, or if distributed in part only, then to the extent of such distributions.

SEC. 2. In case the title to such lands upon which improvements are made is held by husband and wife jointly, or in case the lands upon which such improvements are made are held and occupied as a homestead, the lien given by this act shall attach to such lands and improvements if the improvements be made in pursuance of a contract in writing signed by both the husband and wife.

When lien to hold on property of husband and wife jointly.

SEC. 7. The lien of any contractor, sub-contractor, material man or laborer may, at any time, be vacated and discharged, if the owner, part owner or lessee or contractor, shall give to each of such persons whose liens are to be discharged, and file with the clerk of the circuit court for the county in which such property is situated, a good and sufficient bond in the penal sum of twice the amount for which the lien is claimed, with two or more sureties to be approved by the said clerk, conditioned for the payment of any sum for which the obligee in such bond may obtain judgment or decree upon the demand for which such statement of account was filed, which sureties shall justify their responsibility before such clerk or a circuit court commissioner, under oath, and shall severally testify that they are each worth in real estate in the county in which such property is situated, over and above all exemptions, incumbrances, debts and other liabilities, the penal sum of said bond, each of which justifications shall be endorsed in full on said bond; the said clerk on receiving such bond shall within ten days thereafter serve a notice upon all persons claiming a lien upon said premises of the fact of the filing of such bond, stating the amount thereof and the names of the sureties thereon. The said lien-holders or claimants shall have ten days after the service upon them of the said notice within which to file objections to the sureties on said bond, and in case any such objections to the sufficiency of such sureties is filed with the said clerk within the ten days as aforesaid, the said clerk shall not approve the said bond until after the said sureties shall have appeared before him and answered under oath such questions as may be put to them by or on behalf of lien-holder or claimant touching their financial responsibility. If no objections to the sufficiency of the sureties upon such bond shall have been filed within the said ten days, or if, after the examination of the sureties under oath as herein provided, the said county clerk shall approve said bonds, the said clerk shall at once give to the obligee named therein a certificate that a good and sufficient bond has been filed with him as required by law and shall state the names of the obligor and obligee, the amount of the bond and description of the property covered by the lien thereby discharged. Upon the filing of said certificate in the office of said register of deeds, the lien of the obligee therein named, if of record, shall thereby be discharged.

Discharge of lien.

Filing of bond.

Clerk to serve notice of bonds filed.

Lien holders may object to sureties.

Certificate of county clerk.

Time lien
continues.

SEC. 9. The several liens herein provided for shall continue for one year after such statement or account is filed in the office of the register of deeds, and no longer unless proceedings are begun to enforce the same as hereinafter provided, and such liens shall take priority as follows:

Priority of
lien.

First, As between persons claiming liens under this statute, the several liens upon the same property attaching by reason of work, labor or materials furnished in carrying forward or completing the same building or buildings, machinery, structure or improvement, shall be deemed simultaneous mortgages.

Lien to take
priority to
garnishments.

Second, They shall take priority to all garnishments for the contract debt made prior or subsequent to the commencement of the furnishing of the materials or performance of the labor without regard to the date of filing the claims for lien.

To be preferred to all
other titles.

Third, They shall be preferred to all other titles, liens or incumbrances which may attach to or upon such building, machinery, structure or improvement, or to or upon the land upon which they are situated, which shall either be given or recorded subsequent to the commencement of said building or buildings, erection, structure or improvement.

To attach to
buildings.

Fourth, The liens for such labor or materials furnished, including those for additions, repairs and betterments, shall attach to the buildings, machinery, erection, structure, or improvement for which they are furnished or done, subject to any prior recorded title, claim, lien, incumbrance, or mortgage to or upon the land upon which such building or buildings, machinery, erection, structure or improvement belongs or is put. Any person holding a lien for such labor or materials furnished upon any premises subject to any prior recorded lien, incumbrance or mortgage may pay off any such prior lien, incumbrance or mortgage, and shall thereupon be subrogated to all the rights of the prior holder of such lien, incumbrance or mortgage.

Court to
examine
claims.

SEC. 12. The court shall examine all claims that shall be presented, and shall ascertain and determine the amount due to each creditor who has a lien of the kind before mentioned upon the estate in question, and every such claim that is due absolutely and without any conditions, although not then payable, shall be allowed, with a rebate of interest to the time when it would become payable. The court may, in its discretion, allow a reasonable attorney's fee when judgment shall be rendered in such proceeding, in favor of the parties succeeding therein.

Attorney's
fee may be
allowed.

Remedial
statute.

SEC. 27. This act is hereby declared to be a remedial statute and to be construed liberally to secure the beneficial results, intents and purposes thereof; and a substantial compliance with its several provisions shall be sufficient for the validity of the lien or liens hereinbefore provided for, and to give jurisdiction to the courts to enforce the same. Amendments to any process, pleadings or proceedings in such actions to enforce

Amendments
to process.

the liens given by this act, either in form or substance, shall be allowed at any time before final decree is rendered, on application of either party upon such terms and conditions as justice may require; and the security for costs may be required as in other chancery cases. The practice in all suits brought to enforce liens under the provisions of this act shall be the same as in ordinary chancery cases and the court shall have the same power and jurisdiction over the subject matter and parties to the suit as in other chancery cases, except as herein otherwise expressly provided. And in any case where a decree or final order shall be made by any circuit court in chancery, or the judge thereof, under the provisions of this act, either party who may consider himself aggrieved by such order or decree may appeal therefrom to the supreme court, in the same manner as is provided by law for appeal in ordinary chancery cases; and the powers, duties and jurisdiction of the supreme court in relation to such appeal shall be the same as are provided by law in relation to appeals in ordinary chancery cases.

Practice in suits brought to enforce liens.

When may appeal to supreme court.

Approved May 19, 1897.

[No. 144.]

AN ACT authorizing organized townships in the State of Michigan to issue bonds for the payment of claims against such townships which may have been or which shall hereafter be placed in judgment in any court of competent jurisdiction and to provide for the manner of issuing the same.

SECTION 1. *The People of the State of Michigan enact,* That any organized township in the State of Michigan is hereby authorized and empowered to issue bonds upon the faith and credit of such township, and to use or negotiate the same for the purpose of raising money to pay any claim against such township, which shall have been, or which shall hereafter be placed in judgment in any court of competent jurisdiction in this State upon the conditions and under the circumstances, and in the manner hereinafter provided.

Townships authorized to issue bonds to satisfy judgments.

SEC. 2. Whenever any person or corporation shall have a valid judgment against any organized township in the State of Michigan, such person or corporation, or his or its duly authorized agent, may present a petition to the township board for such township setting forth the facts of the rendition of such judgment, together with a statement of the date and amount thereof and the court in which such judgment was rendered, and shall attach to such petition a duly authenticated copy of such judgment, and thereupon the said township board shall have the power to provide for the issuing of bonds to be used

Judgment creditor may petition for issuance of bonds.

Copy of judgment to be attached to petition.

for the purpose of paying such judgment in the manner hereinafter provided.

Two-thirds
vote of elect-
ors required
before issu-
ance of bonds.

SEC. 3. No such bonds shall be issued unless a two-thirds vote of the qualified electors of said township, voting at a township meeting, a general election or a special election duly called to be held at a time to be fixed by said township board not more than ninety days after said board shall have acted upon the petition mentioned in section two, which election shall be held at the same place as the last preceding township election was held and conducted in the manner hereinafter provided, shall so determine and the said township boards are hereby authorized and empowered to submit the question of said bonding to the qualified electors of such township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in printed or written notices to be posted in five public places in said township at least twenty days before the time fixed by said board for such election, which notice shall state the amount of money proposed to be raised by such bonding and the purpose or purposes to which it shall be applied: *Provided*, That where it shall appear by the petition or petitions above mentioned that more than one valid judgment is outstanding against such township, it shall be competent to provide for the bonding for the payment of such judgments in the aggregate, but in such case the action of the town board in submitting the question of the bonding and in the publication of the notices of election the question shall be so submitted as to cause a vote to be taken upon the proposition to bond for the payment of each of such judgments separately and so that when the vote shall be cast each voter shall be privileged to vote for or against the bonding for the payment of any one of the judgments which may be mentioned in such notice.

Notice of
election to
be given by
township
board.

When two or
more judg-
ments.

Vote to be
taken on each
judgment
separately.

Vote to be by
printed ballot.

Form of
ballot.

SEC. 4. The vote upon such proposition shall be by a printed ballot, and shall be in the following words:

"For the issuing of township bonds to pay judgment of —, Yes." []

"For the issuing of township bonds to pay judgment of —, No." []

Township
board to pro-
vide ballots.

Election, how
canvassed and
returned.

Provided, however, That where the payment of more than one judgment is contemplated the question as to each judgment shall be stated on said ballot in the manner herein provided, and it shall be the duty of each of such township boards to provide at the polls of such election during the whole time while the same shall be open, a sufficient number of ballots as shall be necessary to supply all the electors desiring to vote thereon. The election shall be conducted, and the votes canvassed in all respects as in other township elections, and immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate, showing the whole number of votes cast upon such proposition and upon each of them, and the number for and against each of said

propositions respectively. And said inspectors shall indorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the clerk of said township and a copy of said certificate and declaration certified to by said township clerk, shall be filed by him with the county clerk of the county in which such township is situated.

Certificate of election filed with township clerk. Copy of certificate filed with county clerk.

SEC. 5. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sums not exceeding the amount of the judgment or judgments for which said bonds were intended to pay including interest and costs and payable at such time and place, not exceeding ten years from the date of such bonds and with such rate of interest not exceeding six per cent per annum, as the said township board shall by resolution direct. Said bonds shall be signed by the township board, countersigned by the treasurer, and negotiated by and under the directions of said board, and the moneys arising therefrom shall be used for the purpose of paying the judgments which have been referred to in the notices of election and the ballots cast at such election and for no other purpose: *Provided, however,* That no such bonds shall be issued to an amount exceeding three per cent of the assessed valuation of any such township: *And provided further,* That no such township shall issue a second series of bonds in and by virtue of this act.

Rate of interest on bonds.

Who to sign bonds.

Bonds not to exceed three per cent of assessed valuation.

SEC. 6. It shall be the duty of the said township board to provide for the raising by tax upon the taxable property of such township such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Board to raise amount of bonds by tax.

SEC. 7. No bonds issued under and by virtue of this act shall be used or negotiated at less than their par value.

Bonds not to be sold below par value.

This act is ordered to take immediate effect.

Approved May 19, 1897.

[No. 145.]

AN ACT for the protection of the keepers of hotels, inns, boarding houses and lodging houses.

SECTION 1. *The People of the State of Michigan enact,* That whenever the keeper of any hotel or inn or boarding or lodging house shall receive into his hotel or inn or boarding or lodging house any person as a guest or boarder or lodger, he shall have a lien upon and right to detain the baggage and effects of such guest or boarder or lodger to secure and compel payment of his customary charges for the food and lodging furnished such guest or boarder or lodger, and such lien may be enforced in the manner hereinafter prescribed.

Inn-keepers, etc., to have lien on baggage.

When baggage, etc., may be sold.

To be sold at auction.

Notice of sale to be published.

Notice to be served on guest.

Sale at what hour.

Surplus of sale to be refunded to guest.

Surplus not demanded to be paid to county treasurer.

SEC. 2. Any hotel keeper or inn keeper or boarding or lodging house keeper who shall have a lien for fare, accommodations or board upon any goods, baggage or other chattel property, and in his possession for three months at least after the departure of the boarder or lodger or guest leaving the same, or who for a period of six months shall have in his custody any unclaimed trunk, box, valise, package, parcel or other chattel property whatever, may proceed to sell the same at public auction, after first having given notice to the county treasurer of such intended sale, and out of the proceeds of such sale may, in case of lien, retain the amount thereof and the expense of advertisement and sale, and in case of unclaimed property the expense of storage, advertisement and sale thereof: *Provided*, In all instances, the notice specified in the next section be first given as therein directed.

SEC. 3. Fifteen days, at least, prior to the time of the sale, a notice of the time and place of holding the sale, and containing a brief description of the baggage and articles to be sold shall be published in a newspaper of general circulation, published in the city or town in which such hotel, inn or boarding or lodging house is situated; but if there be none, then in such newspaper published nearest said city or town; and shall also be served upon said guest, boarder, lodger or owner of such chattel articles or property, if he resides or can be found within the county where said hotel, inn, boarding house or lodging house is situated, by delivering the same to him personally, or leaving it at his place of residence with a person of suitable age in charge thereof. But if such guest, boarder, lodger or owner does not reside or cannot be found in said county, then said notice shall be deposited in the postoffice of said city or town, with the postage prepaid thereon, fifteen days prior to said sale, and addressed to said guest, boarder, lodger, or owner, at his place of residence, if his address be known to said hotel, inn, boarding or lodging house keeper. The sale shall take place between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, and all articles sold shall be to the highest bidder for cash.

SEC. 4. Such hotel keeper, inn keeper, boarding or lodging house keeper shall make an entry of the articles sold and the balance of the proceeds of the sale, if any, and within ten days from such sale, shall, upon demand, refund such balance and surplus to such guest, boarder or person leaving the articles sold.

SEC. 5. In case such balance shall not be demanded and paid as specified in the last section within said ten days, then within five days thereafter said hotel keeper, inn keeper, boarding or lodging house keeper, shall pay said balance to the treasurer of the county in which such hotel, inn, boarding or lodging house shall be situated, and shall at the same time file with said treasurer an affidavit made by him, in which shall be stated the name and place of residence, so far as they are known to him, of the guest, boarder or person, whose

goods, baggage or chattel articles were sold, the articles sold and the price at which they were sold, the name and residence of the auctioneer making the sale, and a copy of the notice published and how served, whether by personal service or by mailing, and if not so served and the reason thereof.

SEC. 6. Said treasurer shall keep said surplus and moneys for, and credit the same to the person named in said affidavit as, said guest, boarder, or person leaving the articles sold, and shall pay the same to said person, his or her agent or attorney, executors or administrators, upon demand and evidence satisfactory to said treasurer furnished of their identity: *Provided*, That if said amount be not claimed within two years from the date of sale, it shall be placed in and become a part of the contingent fund of the county.

Treasurer to keep surplus for guest.

When to become part of county funds.

SEC. 7. Nothing herein contained shall preclude any other remedy now existing for the enforcement of hotel keeper's, inn keeper's, or boarding or lodging house keeper's lien, nor bar their right to recover for so much of the debt as shall not be paid through said sale.

Any other legal remedy not barred.

Approved May 19, 1897.

[No. 146.]

AN ACT to provide for committing inmates of the Industrial Home for Girls at Adrian who become insane, to a State asylum for the insane, and for their return to such home on their recovery, and for the cost of examination, committing to, and for their care and maintenance while at such asylum.

SECTION 1. *The People of the State of Michigan enact*, That whenever the superintendent of the Michigan State Industrial Home for Girls shall certify to the judge of probate of the county in which such home is situated, that in her opinion, any inmate of such home has become insane, such judge of probate shall immediately fully investigate the facts in the case, as to the question of insanity. For such purpose he shall call two legally qualified physicians and in his discretion, such other creditable witnesses as he may deem needful, and the probate judge in such examination shall have power to compel the attendance of witnesses. Said probate judge shall report the proceedings above named to the Board of State Auditors, whose duty it shall be to audit and allow all the expenses of such proceedings, to be paid by the State Treasurer on the warrant of the Auditor General, from the general fund.

Providing for committing inmates of Industrial Home for Girls to State asylum for insane.

Board of State Auditors to audit expenses.

SEC. 2. If on the investigation provided for in section one of this act, in the opinion of said judge of probate, satisfactory proof has been adduced showing such inmate to be insane, he shall certify such fact under the seal of the court, and on such

Certificate of judge of probate to admit inmate to asylum.

certificate such inmate shall be admitted into the asylum of the district in which the said Industrial Home for Girls is situated.

Provisions for
return to
Industrial
Home.

SEC. 3. Whenever any inmate of the Michigan State Industrial Home for Girls, who shall have been confined in an asylum for the insane, as provided by section two of this act, shall have been restored to reason the medical superintendent of the asylum shall so certify in writing to the superintendent of said home, who shall forthwith on receiving such certificate, send for and receive back into said home such inmate.

Expenses of
inmates to be
audited by
Board of State
Auditors.

SEC. 4. All expenses necessarily incurred in the transfer and retransfer to and from the asylum as provided in this act, shall be audited by the Board of State Auditors, and paid from the general fund. All bills for maintenance, clothing and other charges at the asylum of persons committed to an asylum for the insane under the provisions of this act, shall be rendered quarterly to the Auditor General in the same manner, and paid in the same way as bills are rendered and paid for the support of other State patients.

This act is ordered to take immediate effect.

Approved May 19, 1897.

[No. 147.]

AN ACT to provide for the punishment of persons fraudulently connecting, using or obtaining water, electric or gas service or supply.

Punish-
ment of per-
sons fraudu-
lently using
water, elec-
tric or gas
service.

SECTION 1. *The People of the State of Michigan enact,* That every person who wilfully or fraudulently injures, or suffers to be injured any meter, wire, line, pipe or appliance belonging to any water, electric or gas company, or prevents any water, electric or gas meter, belonging to such company from duly registering the quantity of water, electric current or gas supplied through the same, or in any way hinders or interferes with its proper action or just registration, or attaches any line, wire or pipe to any line, wire, pipe or main belonging to such water, electric or gas company, or otherwise uses or burns or causes to be burned or used any water, electric current or gas supplied by such company without the written consent of such company, or its duly authorized agent or officer unless, the same passes through a meter set by said company, or fraudulently uses their water or electric current or gas or wastes the same, shall for every such offense be considered guilty of misdemeanor, and shall therefor, upon conviction thereof, be punished by a fine of not exceeding one hundred dollars and costs of prosecution or be imprisoned in the county jail not exceeding three months, or both at the discretion of

For such
offense to
be guilty of
misdemeanor.
Penalty.

the court: *Providing however*, That such criminal prosecution shall not in any way impair the right of such company to a full compensation in damages by civil suit. Proviso.

SEC. 2. The provisions of this act shall extend and apply to all offenses against all water, electric or gas companies and boards or municipalities owning or operating plants for producing, manufacturing, furnishing, transmitting or conducting water, electricity or gas either natural or artificial. Provision of act to apply to all offenses.

SEC. 3. In all prosecutions under this act it shall be *prima facie* evidence on the part of the people of the violation of the provisions of this act, to show that the respondent had control of, or occupied the premises where the misdemeanor was committed, or received the benefit of such water, electric current or gas so used or consumed. What to be prima facie evidence.

Approved May 19, 1897.

[No. 148.]

AN ACT to amend section five (5) of chapter one hundred and eighty-seven (187) of the compiled laws of eighteen hundred and seventy-one (1871), being compiler's section seven thousand three hundred and ninety-seven (7397) of Howell's annotated statutes of Michigan, relative to the survival of actions.

SECTION 1. *The People of the State of Michigan enact*, That section five (5) of chapter one hundred and eighty-seven (187) of the compiled laws of eighteen hundred and seventy-one (1871), being compiler's section seven thousand three hundred and ninety-seven (7397) of Howell's annotated statutes of Michigan, relative to the survival of actions, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 5. In addition to the actions which survive by the common law, the following shall also survive; that is to say: actions of replevin, and trover, actions of assault and battery, false imprisonment, for goods taken and carried away, for negligent injury to persons, for damage done to real and personal estate, and actions to recover real estate where persons have been induced to part with the same through fraudulent representations and deceit. Actions of replevin, trover, assault and battery.
Action to recover real estate.

Approved May 19, 1897.

[No. 149.]

AN ACT to amend section twenty-nine of chapter ninety-six of Howell's annotated statutes, being compiler's section three thousand six hundred twenty-four, relative to plank road companies.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-nine of chapter ninety-six of Howell's annotated statutes, being compiler's section three thousand six hundred twenty-four, be and hereby is amended so as to read as follows:

Rate of toll.

SEC. 29. Whenever any plank road company shall have completed their road or any five consecutive miles thereof, the said company may erect toll gates and demand and receive toll from persons traveling on their road for so much as may be completed consecutively, at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn, and if drawn by more than two animals three-quarters of a cent per mile for every additional animal; for any vehicle, sled, sleigh or carriage drawn by one animal, one cent per mile; for every score of sheep or swine one-half of one cent per mile; for every score of neat cattle, two cents per mile; for every horse and rider or led horse, one cent per mile; such toll gates to be erected by such company may be as many in number and located at such points as such company may deem necessary: *Provided*, That no toll gate shall be erected or maintained within one-half mile of the limits of any incorporated city: *And provided further*, That no toll shall be taken or collected for less than one mile traveled. Any person using such road may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll gatherer through whose gate he is last entitled to pass.

Proviso as to
gates in limits
of cities.

Proviso as to
collecting toll
for less than
one mile.

Approved May 19, 1897.

[No. 150.]

AN ACT to amend section eighteen of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having charge thereof."

SECTION 1. *The People of the State of Michigan enact, That* section eighteen of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a county and townships system of roads, and to prescribe the powers and duties of the officers having charge thereof," be, and the same is hereby amended so as to read as follows: Section amended.

SECTION 18. Any road heretofore laid out, or any part thereof, shall become a county road if the board of county road commissioners shall at any time so determine and in passing through, or on the line between townships and incorporated villages, any streets or parts of streets of such village may be adopted as a county road, with consent of the proper authorities of such village or villages. The vote of the county road commissioners in respect to such determination shall be taken by yeas and nays, and shall be entered at large on the records of said board of county road commissioners. Notice of such determination shall be forthwith given by the clerk to the highway commissioner of each township and the highway authorities of each village in which said road or any part thereof is situated, and published in some newspaper printed and circulated in the county, once in each week for three successive weeks. Proof of such service and publication may be made by affidavit by any person knowing the facts, and be filed with the clerk. Such affidavit or the record thereof, or a certified copy of such affidavit or record, shall be *prima facie* evidence of its contents. After service and publication of such notice, the board of county road commissioners shall have sole and exclusive jurisdiction and control of such road so embraced within such determination, and the township or municipality within which the same is situated shall be relieved from all responsibility therefor. Immediately after laying out or taking control of a road, said board shall give the same a name by which it shall afterwards be known in their proceedings. County road, how determined.

Notice of determination to be given to township and village authorities.

Road to be named.

The board of county road commissioners of any county which has adopted the county road system, are hereby authorized and empowered to at any time, abandon and discontinue any county road, or any part thereof, by a majority vote. The vote of the county road commissioners in respect to such abandonment and discontinuance, shall be taken and entered, and notice thereof be given, in the same manner as is required in Commissioners may abandon or discontinue road.

Jurisdiction
after aban-
donment by
county com-
missioners.

this section, in cases in which county roads are adopted. After proceedings to discontinue and abandon have been had, the jurisdiction and control of such road shall revert to the township or municipality within which the same is situated, which, prior to the time of its adoption as a county road, had jurisdiction and control thereof, and the county shall be relieved from the responsibility therefor.

This act is ordered to take immediate effect.

Approved May 19, 1897.

[No. 151.]

AN ACT to regulate the catching of fish in the waters of this State by the use of pound or trap nets, gill nets, seines and other apparatus.

Unlawful to
use certain
kind of nets
after nineteen
hundred.

Size of mesh
to be used in
pound nets.

In gill nets.

In seines.

Proviso as to
per cent of
white fish or
trout may be
caught.

Unlawful to
market stur-
geon under
certain
weight.

SECTION 1. *The People of the State of Michigan enact*, That from and after the first day of April, nineteen hundred, there shall not be used in the waters of this State any pound or trap net, gill net, seine or other fixed, set or movable net of whatever name or description, except the net known as hoop-fyke net, the meshes of which are less than permitted by this act, which are as follows: The mesh of every pound or trap net used in the waters of this State shall be at least four inches extension measure, as manufactured in the pot, pound or crib, and in lifting or raising the pot of a pound net, no apron or other device shall be inserted or used to prevent small fish from escaping through the meshes of the pot or crib, so called. The meshes of every gill net used in the waters of this State shall be at least four and one-half inches extension measure. The mesh of every seine used in the waters of this State shall be at least four inches extension measure as manufactured: *Provided*, That wherever and whenever it shall be shown that the catch of fish during the year does not contain to exceed ten per cent of whitefish or trout, pound or trap nets, with pots, cribs or pockets, with a mesh of not less than two and one-half inches extension measure, as manufactured, may be used for the purpose of taking perch, herring and pickerel, or any fish except whitefish, lake trout and black bass, and also gill nets with a mesh of not less than two and three-fourths inches extension measure may be used, for taking perch, herring, black-fins and long-jaws, or any fish except whitefish, lake trout and black bass.

SEC. 2. It shall be unlawful to market or have in possession any sturgeon or rock sturgeon weighing less than fifteen pounds, or any whitefish weighing less than two pounds in the round: *Provided, however*, It shall not be unlawful to market

or have in possession any such fish caught in gill nets of lawful size.

SEC. 3. It shall be unlawful for any person to fish with any kind of net whatever in the waters of this State from the thirtieth day of October to the fifteenth day of December: *Provided*, That if by stress of weather any person engaged in fishing in the waters of this State shall be unable to lift his nets during the last days of the open season, it shall be lawful for such person to lift said nets within three days after the close of the open season in any year, except in that portion of Lake Erie bordering on Monroe county, in which the close season shall be from November fifteenth to December first: *Provided, however*, Two and one-fourth inch mesh in pots for the purpose of catching herring and other rough fish in any vicinity where it will not interfere with or catch immature whitefish or lake trout, may be used from April first to July fifteenth and from September first to November twentieth except as provided by section four of act number sixty-three of eighteen hundred eighty-five, being an act entitled an act to establish a State Board of Fish Commissioners, and to repeal act number one hundred twenty-four session laws of eighteen hundred seventy-three, act number seventy-one, session laws of eighteen hundred seventy-five and act number three, session laws of eighteen hundred eighty-two, approved April twenty-eighth, eighteen hundred eighty-five.

Close season for fishing with nets.
 Proviso as to lifting nets after close of open season.

Proviso as to catching herring, etc.

SEC. 4. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution, and in default of the payment thereof shall be confined in the county jail until the same shall have been paid, but such confinement shall not exceed thirty days, and any corporation which, by its agents, shall violate any of the provisions of this act shall, be liable to a penalty in a like sum with costs and such penalty and costs shall be recoverable in a court of competent jurisdiction for the county in which said fine is imposed: *Provided*, That the provisions of this act shall not apply to the inland lakes and rivers of this State but shall apply to the rivers connecting the great lakes: *And provided further*, That nothing contained in this act shall be construed so as to permit fishing with nets and other appliances contrary to the provisions of the present laws prior to the said first day of April, nineteen hundred.

Violation a misdemeanor.

Penalty.

Proviso as to inland lakes.

Further proviso.

SEC. 5. All nets bought after the date of the passage of this act shall be of the size prescribed herein.

Seizure of nets.

Approved May 20, 1897.

[No. 152.]

AN ACT to amend sections fifteen, and sixteen of chapter thirty-two of act number two hundred and fifteen of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seventh, eighteen hundred and ninety-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That sections fifteen and sixteen of chapter thirty-two of act number two hundred and fifteen of the public acts of eighteen hundred and ninety-five, entitled, "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seventh, eighteen hundred and ninety-five, be and the same are hereby amended so as to read as follows:

Board to estimate and report amounts to be raised in addition to other school funds for support of schools.

SEC. 15. The board shall also make and deliver to the city council, annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings and support of the library, and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sum so reported the council shall cause to be raised by tax upon all the taxable property in the city, with the general city taxes thereafter to be raised: *Provided,* That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness and interest thereon incurred for grounds and buildings shall not exceed one-half of one per cent; and the amount for the support of the schools and for all the other purposes above mentioned shall not exceed one and one-fourth per cent on the dollar of the taxable valuation of the real and personal property in the city as shown by the tax roll of the preceding year except as provided in section sixteen of this act.

Proviso as to limit of estimate.

Board may borrow money in anticipation of the collection of taxes.

SEC. 16. For the payment of current expenses, the board may borrow, from time to time, in anticipation of the collection of taxes levied, or herein authorized to be levied, during the same year for school purposes, such sum not exceeding twenty-five per cent of the tax, to be paid therefrom as they may deem expedient. Should any greater sum be required in any one year for the purchase of grounds, the erection of school buildings, and for the payment of indebtedness incurred for such purposes than can be raised under the provisions of the foregoing sections, such sum, not exceeding two per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan and should any

Additional sum may be raised by tax.

greater sum than one and one-fourth per cent of the taxable valuation of the real and personal property in the city, as shown by the tax roll of the preceding year, be required for the support of the schools and for all other purposes above mentioned in any year such additional sum not to exceed three-fourths of one per cent of the taxable valuation of real and personal property in the city for the preceding year may be raised by tax if authorized by a majority vote of the qualified electors of the district present at any general meeting or at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in ten public places in the city at least ten days before the meeting. For any sums borrowed and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

If authorized
by qualified
electors.

Notice to be
given by pub-
lication.

Approved May 20, 1897.

[No. 153.]

AN ACT to provide for the payment of expenses in matters in which the State is a party or interested.

SECTION 1. *The People of the State of Michigan enact,* That in all cases where the State is a party or interested, in which the Attorney General participates, whenever it becomes necessary to subpoena witnesses, or to defray other necessary expenses of such litigation, the Attorney General is hereby authorized to present a voucher for the amount that he deems necessary, to the Auditor General, and the Auditor General shall thereupon draw his warrant upon the State Treasurer for said amount, and the State Treasurer shall pay the same to the Attorney General out of any moneys not otherwise appropriated in the treasury.

Payment of
expense in
which State
is interested.

When Auditor
General to
draw war-
rant.

SEC. 2. The Attorney General shall prepare a full, complete and itemized statement of the expenses as to how and for what purpose said money was expended. Such itemized bill, after having been audited, shall be filed in the office of the Auditor General, and the amount not expended shall be returned to the State Treasurer.

Attorney Gen-
eral to make
itemized
statement of
expense.

This act is ordered to take immediate effect.

Approved May 21, 1897.

[No. 154.]

AN ACT to amend sections four, five, six, nine, eleven and twelve of act two hundred and eleven of the session laws of eighteen hundred and ninety-three, approved June second, eighteen hundred and ninety-three, entitled “An act to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties and fix his compensation,” as amended by act two hundred and forty-five of the session laws of eighteen hundred and ninety-five, approved June first, eighteen hundred and ninety-five.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections four, five, six, nine, eleven and twelve of act two hundred and eleven, of the session laws of eighteen hundred and ninety-three, approved June second, eighteen hundred and ninety-three, entitled “An act to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties and fix his compensation,” as amended by act two hundred and forty-five of the session laws of eighteen hundred and ninety-five, approved June first, eighteen hundred and ninety-five, be and the same is hereby amended so as to read as follows:

Salary and necessary expense of Dairy and Food Commissioner.

SEC. 4. Said commissioner shall receive an annual salary of twelve hundred dollars, payable monthly, on the warrant of the Auditor General. His necessary cash outlay for the expenses, incidental to the performance of the duties of his office, shall be audited by the Board of State Auditors. The Board of State Auditors shall provide office room, and the necessary furniture and fixtures, and the necessary stationery supplies and printing for the conduct of the business of the said commissioner on his application to the said board therefor. Said office shall be and remain in the city of Lansing.

Board of State Auditors to furnish office room.

Appointment of deputy, term of office.

The commissioner, by and with the consent of the Governor, shall appoint a deputy commissioner, who shall hold office during the pleasure of the commissioner, and who shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State, and who shall receive an annual salary of one thousand dollars, payable in like manner with that of the commissioner. His necessary cash outlay for the expenses incidental to the performance of the duties of his office shall be audited by the Board of State Auditors. The commissioner may appoint not to exceed two clerks, for the transaction of the business of his office, whose salary shall not exceed the sum of sixty dollars per month each. The commissioner may also appoint not to exceed six inspectors who shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State, and who shall hold office during the pleasure of the commissioner. Such inspectors shall have the same right of access to places to be

Salary. Number of clerks may be appointed.

inspected as the said commissioner or his deputy. Such inspectors shall receive as compensation for their services not to exceed the sum of three dollars per day and their necessary expenses when so employed. Such compensation and expenses shall be certified, audited and paid in the same manner as the salaries and expenses of similar officers are certified, audited and paid.

Compensation
for services,
how paid.

SEC. 5. The commissioner, by and with the consent of the Governor, shall appoint a suitable and competent person as State Analyst, who shall be a practical analytical chemist, and shall receive an annual salary of not to exceed twelve hundred dollars, payable monthly, on the warrant of the Auditor General. The commissioner in like manner may also appoint an Assistant State Analyst, who shall receive an annual salary of not to exceed one thousand dollars, payable monthly, on the warrant of the Auditor General. Before entering upon the duties of their offices they shall take, subscribe and file in the office of the Secretary of State the constitutional oath of office. Their term of office shall continue during the pleasure of the commissioner. The Board of State Auditors shall provide a room in connection with the Dairy and Food Commissioner for the laboratory for the State Analyst and his assistant, and the necessary furniture and fixtures therefor; the Dairy and Food Commissioner upon the requisition of the State Analyst shall provide the necessary chemical apparatus and appliances, not to exceed in cost the sum of fifteen hundred dollars, and the necessary chemicals, not to exceed in cost the sum of five hundred dollars in any one year, to enable said State Analyst and his assistant to discharge the duties of their offices. In case of the absence or inability of the State Analyst or his assistant to perform their duties, the commissioner may with the consent of the Governor appoint some competent person to perform the same temporarily, which person shall take, subscribe and file the constitutional oath of office.

Commissioner
to appoint
State Analyst,
salary.

May appoint
an assistant
analyst.

Oath of office.

Board of State
Auditors to
provide room
for laboratory
and necessary
appliances.

Cost not to
exceed \$500
in one year.

When tempor-
ary analyst
may be ap-
pointed.

Duties of
Dairy and
Food Com-
missioner.

SEC. 6. It shall be the duty of the Dairy and Food Commissioner to carefully inquire into the quality of the dairy and food and drink products, and the several articles which are foods or the necessary constituents of foods, which are manufactured for sale or sold or exposed or offered for sale in this State, and he may in a lawful manner procure samples of the same and direct the State Analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis of all or any of such food and drink products or dairy products, as is adulterated, impure or unwholesome, in contravention of the laws of this State, and it shall be the duty of the commissioner to make complaint against the manufacturer or vender thereof, in the proper county, and furnish the prosecuting attorney with the evidence thereon and thereof to obtain a conviction for the offense charged. The Dairy and Food Commissioner, or his deputy, or any person by him duly appointed for that purpose, shall have power in the performance of their duties, to enter into

Commissioner
or deputy may
enter factory,
etc., and make
examination.

May take samples for analysis.	any creamery, factory, store, salesroom, drug store or laboratory, or place where they have reason to believe food or drink are made, prepared, sold or offered for sale, and to open any cask, tub, jar, bottle or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof, and take therefrom samples for analysis. The person making such inspection shall take such sample of such article or products, in the presence of at least one witness, and he shall in the presence of such witness mark or seal such sample and shall tender at the time of taking to the manufacturer or vender of such product, or to the person having the custody of the same, the value thereof, and a statement in writing of the reason for taking said sample.
Commissioner to make annual report to Governor.	<p>SEC. 9. The commissioner shall make an annual report to the Governor on or before the first day of July in each year, and which shall be printed and published on or before the first day of September next thereafter, which report shall cover the doings of his office for the preceding fiscal year, which shall show, among other things, the number of manufactories and other places inspected and by whom, the number of specimens of food articles analyzed, and the State Analyst's report upon each one; the number of complaints entered against persons for violation of the law relative to the adulteration of food,</p> <ul style="list-style-type: none"> • the number of convictions had, and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner shall also prepare, print and distribute to all the papers of the State, and to such persons as may be interested, or may apply therefor, a monthly bulletin containing results of inspections, the results of analyses made by the State Analyst, with popular explanation of the same, and such other information as may come to him in his official capacity relating to the adulteration of food, food and drink products and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of all the work done during the month by the commissioner and his assistants in the enforcement of the laws of the State, but not more than ten thousand copies of each of such monthly bulletins shall be printed.
To print monthly bulletin and distribute same.	
Limit of bulletins.	
Appropriation.	<p>SEC. 11. There shall be appropriated each year the sum of eighteen thousand dollars out of which shall be paid in such manner as other similar salaries, expenses and accounts are allowed and paid, all the salaries and expenses provided for in this act: <i>Provided</i>, That all expenses for stationery and printing shall be audited and paid in the same manner as other State printing and stationery.</p>
Proviso as to expenses for printing.	
Amount of taxes levied.	<p>SEC. 12. The Auditor General is hereby directed to annually add to and incorporate into the State tax, to be levied each year, the sum of eighteen thousand dollars, to be levied, assessed and collected as in the case of other taxes for general purposes, upon all the property of the State, and when the tax so levied and collected, the same shall be paid into</p>

and become a part of the general fund to reimburse such fund for the amounts appropriated to carry into effect the provisions of this act.

This act is ordered to take immediate effect.

Approved May 24, 1897.

[No. 155.]

AN ACT to amend section eight of the act approved February sixteenth, eighteen hundred and fifty-seven, entitled "An act for the incorporation of musical societies," being section four thousand four hundred and seventy-one, Howell's statutes.

SECTION 1. *The People of the State of Michigan enact,* That section eight of act number one hundred and twenty-eight, approved February sixteenth, eighteen hundred and fifty-seven, entitled "An act for the incorporation of musical societies," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 8. Every association organized under the provisions of this act shall pay to the State Treasurer, on or before the second Monday of January in each year, during its corporate existence, one per centum upon its capital actually invested, deducting the real estate held by such association; which amount shall be in lieu of all other taxes or assessments. All real estate owned by such association may be taxed as other real estate in the city, village or township where the same may be situated: *Provided,* That where the corporation is composed entirely of women not for profit, but solely for the study of music, and to advance the musical knowledge of the community in which it exists, then the building of such corporation and the personal property used therein, shall be exempt from the operation of this section, and from all taxation, so long as such building shall be owned and occupied by such corporation for such purpose and so long as such societies or corporations shall give at least two free public musical entertainments each year: *Provided, further,* That this exemption shall not apply to any property owned by the corporation from which a rental is derived by said corporation. Specific tax to be paid to State Treasurer.

Real estate to be taxed in usual manner.

Real estate exempt, when.

Real estate not exempt when leased.

This act is ordered to take immediate effect.

Approved May 25, 1897.

[No. 156.]

AN ACT to provide for the incorporation of mutual integrity companies for the purpose of insuring to employers the integrity of their officers, agents and employes.

Who may incorporate.

SECTION 1. *The People of the State of Michigan enact,* That any number of persons residents of this State not less than five, desiring to become a body corporate, on the mutual plan for the purpose of insuring to employers the integrity of their officers, agents and employes, may, by complying with the provisions of this act, become, with such other persons as may thereafter become associated with them a body corporate for the purpose above stated.

Articles of association to be in duplicate.

SEC. 2. The persons proposing to form such corporation shall associate by signing articles of association in duplicate and acknowledge the same before some officer of this State duly authorized to take acknowledgment of deeds.

Articles of association to state, what.

SEC. 3. Such articles shall state:

First, The names of the persons associating in the first instance and their respective residences;

Second, The name by which such corporation shall be known;

Third, The period for which the association is incorporated which shall not exceed thirty years;

Fourth, The number of directors which shall not be less than five nor more than fifteen, and the names of the directors for the first year;

Fifth, The place where the office of the company shall be located, which shall be within the State of Michigan;

Sixth, The object of the said corporation.

To be submitted to Commissioner of Insurance.

SEC. 4. After the execution of the articles of association, and when *bona fide* agreements from members shall have been obtained for insurance amounting to not less than one million dollars, said articles and agreements shall be submitted to the Commissioner of Insurance. If he shall find that the articles conform to the provisions of this act, and that *bona fide* agreements for insurance to the amount stated have been secured, he shall thereupon endorse his certificate to that effect upon said articles. Upon filing said articles, with the endorsement aforesaid, with the Commissioner of Insurance and with the county clerk of the county in which the office of the company is by its articles located, the persons executing such articles, with such other persons as may thereafter become associated with them, shall become and be a body corporate for the purposes set forth in this act.

When declared body corporate.

Directors, when chosen. Special meeting.

SEC. 5. The business and affairs of the corporation shall be managed by the board of directors. Such directors shall be chosen annually at a meeting of the members of the said company to be held upon the third Wednesday of January in each year, and shall hold office until their successors are elected.

SEC. 6. Special meetings of members may be held at such times and upon such notice as the by-laws may prescribe. At all meetings of the members each member shall be entitled to one vote for each five thousand dollars of insurance or fraction thereof, which such member shall hold in the corporation. A majority of votes entitled to be cast shall constitute a quorum, and a majority of the votes cast at any meeting at which a quorum is present shall decide all questions coming before such meeting.

Special meetings.

Who may vote.

SEC. 7. Any bank, trust company or other company organized under the laws of this State or of the United States or of any of the several states, shall be a person within the meaning of this act and may become a member of such corporation, either as an incorporator in the first instance or thereafter as a member holding insurance in the company so organized. Any such bank, trust or other company desiring to associate as an incorporator of any company organized under this act, shall cause the articles of association aforesaid to be signed for it by two of its officers, who shall duly acknowledge the execution thereof, and any officer of any such bank, trust company or other company so becoming a member of any corporation organized under this act shall be qualified to act as a director of such corporation.

Corporations may become members.

SEC. 8. Immediately after the annual election, the directors shall choose from their number a president and vice president, and shall also choose a secretary and a treasurer, who shall hold their offices for one year or until their successors are chosen.

Officers of association, when chosen.

SEC. 9. A majority of the directors, when convened according to the by-laws, shall constitute a quorum for the transaction of business.

Quorum.

SEC. 10. The directors shall have power to enact such by-laws, not inconsistent with this act, for the management of the business of the company, as they may deem proper.

By-laws.

SEC. 11. Any company organized under the provisions of this act shall, before commencing business, subscribe and pay in an original guarantee fund of not less than twenty-five thousand dollars. Any of the members of such company may subscribe to such original guarantee fund. After providing for the payment of expenses and losses and such appropriation to the guaranty fund as the directors may determine out of the annual premiums, the remainder shall be appropriated: first, to the payment of interest to the persons contributing to such original guaranty fund according to their respective contributions, at a rate not to exceed eight per cent per annum, the balance remaining to be paid to the members *pro rata* according to the amount of premiums paid by each. Such guaranty fund shall be invested in such securities as are permitted to insurance companies under the laws of this State, and shall be liable to pay any expenses or losses not provided for by the annual premiums or other accumulated funds of such com-

Guarantee fund, how provided.

Surplus funds, how appropriated.

Guarantee fund, how invested.

When portion of guaranty fund may be retired.

pany. When the guaranty fund hereinafter provided for shall have reached an amount equal to the original guaranty fund, the directors may, in their discretion, retire not to exceed fifty per cent of such original guaranty fund, and for all increase of the guaranty fund hereinafter provided for above the amount of the original guaranty fund an amount of such original guaranty fund not to exceed fifty per cent of such increase may also be retired: *Provided, however,* That if at any time the amount of the guaranty fund hereinafter provided for and the original guaranty fund shall fall below the amount of the original guaranty fund, the Commissioner of Insurance may order the company to cease doing business until the amount of the original guaranty fund is made good.

Directors to fix premiums and issue policies.

SEC. 12. The directors shall have power to fix annual premiums for insuring the integrity of officers, agents and employes of members, and to issue policies of insurance for that purpose in accordance with the provisions of this act. Such premium shall be fixed at an amount sufficient to provide for the expense of conducting the business of the company, the payment of any probable losses, and the payment of not more than twenty per cent of such premium into a guaranty fund to provide for future expenses and losses.

Directors to determine expenses and losses, when.

SEC. 13. Upon January first of each year the directors shall determine the expenses and losses for the preceding year, and shall fix the amount, not exceeding twenty per cent of premiums received, to be paid into the guaranty fund; and, after deducting such amount from the premiums received during the preceding year, shall repay the balance remaining to the members *pro rata* according to the premiums paid by them.

Guarantee fund to be used, when.

SEC. 14. The moneys paid into the guaranty fund shall be invested in such securities as are permitted to insurance companies under the laws of this State. The directors may appropriate from time to time, such portion of said fund as they may deem expedient to meet the expenses and losses of the company during any year.

Policies, when to begin.

SEC. 15. All policies shall date from January first, and shall continue from year to year unless otherwise terminated. All policies written during any year shall run until January first following, and then from year to year, a *pro rata* proportion of the annual premium being paid when the policy is issued. All annual premiums shall be paid in advance upon January first of each year, and if such premium is not paid before February first, such policy shall lapse, and all right in the company of the holder of such policy and his membership shall cease and determine. The amount of insurance held by any member may be increased or diminished at any time under suitable regulations of the board of directors.

Premiums, to be paid in advance.

Insurance may be increased or diminished.

Business year, when to close.

SEC. 16. The business year of every corporation or association organized, existing or doing business in this State under and by virtue of the provisions of this act shall close on the thirty-first day of December in each year, and every such cor-

poration or association shall within sixty days thereafter, prepare under oath of its president and secretary and file in the office of the Commissioner of Insurance of this State a detailed statement showing its assets and how invested, liabilities, receipts from premiums and all other sources, an itemized account of all expenditures, salaries of officers, number of policies or certificates in force, amount insured thereby, claims paid and amount paid on each claim, losses reported but not paid, claims contested and why, and shall answer such other questions as the Commissioner (who shall furnish blanks for that purpose) may require in order to ascertain its true financial condition, and shall pay to the State, upon filing each annual statement, a fee of five dollars. The Commissioner shall publish such annual statements in detail in his annual report, and for the purpose of verifying any such statement, or of ascertaining the true condition of the corporation or association making it, the Commissioner may at any time make or cause to be made an examination of the affairs of any such corporation or association doing business under this act at the expense of such corporation or association, which expense shall not exceed necessary hotel and traveling expenses of the Commissioner and one clerk: *Provided*, That if the Commissioner find it necessary to appoint some person not employed in his office to make such examination, the corporation or association examined shall pay in addition to the expenses above referred to the reasonable charges of the person so appointed, not exceeding five dollars a day for the time actually employed.

Report to be filed with Commissioner of Insurance; of what to consist.

Commissioner may examine affairs of association.

Commissioner may appoint special examiner.

This act is ordered to take immediate effect.

Approved May 26, 1897.

[No. 157.]

AN ACT to provide for the incorporation of companies or associations having for their objects the insurance of bicycles and to define their powers and duties.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons not less than nine residents of this State, may associate together and form an incorporated company for the purpose of insuring bicycles against loss or destruction, either partial or total, whether from theft, accident, or otherwise.

Number who may incorporate.

SEC. 2. Any company organized under this act shall have the power to effect re-insurance of any risks taken by them respectively.

Power to effect re-insurance.

SEC. 3. The persons so associating shall execute under their hands and acknowledge before an officer authorized by law

Shall execute duplicate articles of association.

to take the acknowledgment of deeds, duplicate articles of association which shall contain:

First, The names of the associates and their respective places of residence;

Name of corporation; principal office.
Period to be incorporated.

Second, The name by which the corporation shall be known and the place where its principal office for the transaction of business is to be established, and the period for which it is to be incorporated;

Third, The purposes of the incorporation as mentioned in the first section of this act;

Number of directors, manner of electing.

Fourth, The manner in which the corporate powers are to be exercised, the number of directors and other officers and the manner of electing the same, and how many of the directors shall constitute a quorum, and the manner of filling all vacancies;

Capital stock.

Fifth, The amount of capital stock and what proportion is to be paid in before the corporation shall commence business;

Sixth, The time for holding the annual meetings of the corporations.

Shall publish articles of association.

SEC. 4. Said corporation shall publish a copy of said articles of association with notice of their intention to become incorporated under the same in some newspaper published in the county where their principal office is to be located, once in each week for at least four weeks before filing said articles as hereinafter provided, and that at the time of filing such articles they shall also file with the Commissioner of Insurance proof of such publication.

Articles submitted to Attorney General.

SEC. 5. Such articles of association having been made, acknowledged and published as provided in sections three and four of this act, may then be received in the office of the Commissioner of Insurance; one copy of the same shall forthwith be submitted by the Commissioner of Insurance to the Attorney General, for his examination, and if found by him to be in compliance with this act, he shall so certify to the Commissioner of Insurance. A copy of such articles of association shall thereupon be filed and recorded in the office of the Commissioner of Insurance and the other copy forwarded by him to the county clerk of the county in which the company's principal office is to be established, which said county clerk shall file and record such articles. The filing of same with such officers and the deposit with the State Treasurer of the stocks or bonds or mortgage securities as hereinafter provided, shall entitle the company to the certificate of the Commissioner of Insurance hereinafter provided for, to commence business and issue policies.

Copy filed in office of Commissioner of Insurance.

Entitled to certificate.

Deposit to be made with State Treasurer.

SEC. 6. Such company shall have a paid up capital stock of not less than ten thousand dollars and shall deposit with the Treasurer of this State at least ten thousand dollars duly assigned to such officer for the benefit of all policy holders. Said deposit shall consist of stocks or bonds of the United States, or of this State, or of bonds and mortgages on improved

Consist of stocks and bonds.

unincumbered real estate worth at least double the sum loaned thereon. Any examination by the State Treasurer or under his direction to satisfy him respecting the value of the securities deposited or respecting the title or value of the property mortgaged, shall be at the expense of such company.

SEC. 7. Upon compliance with the provisions of this act, the Commissioner of Insurance shall issue to the corporation so complying, a certificate of authority to do business in this State for the period of one year unless the same be sooner revoked.

Certificate of authority.

SEC. 8. The bonds or stocks and mortgage securities deposited by any such company with the State Treasurer shall be held by him as security for policy holders in such company, but so long as it continues solvent the company shall have the right from time to time to collect and receive the dividends or interest thereon and to withdraw any of the same on depositing with the State Treasurer other securities of the kinds specified, so that the amount in his hands for the security of policy holders at any time shall not be less than ten thousand dollars, exclusive of interest. If at any time a claim shall be made against any such company on one of its policies and the same shall not be adjusted and paid, and the claimant shall recover judgment thereon against the company, the State Treasurer, on being served with an affidavit by the claimant or his attorney setting forth the recovery of the judgment and that the same has remained unpaid for three months and that no proceedings are pending for the review or reversal of the same, shall proceed to sell at the current market value sufficient of the stocks or bonds so deposited with him to satisfy the amount of such judgment, together with one per cent for his services and expenses, or if said stocks or bonds shall previously have been disposed of for the satisfaction of claims, then he shall proceed to collect sufficient of the mortgage securities to pay the amount of the claim mentioned in such affidavit with his reasonable costs and expenses, and said company, after notice of the service of such affidavit, shall not be at liberty to issue any new policies until any deficiency of securities caused by the necessity of meeting such claims shall have been made good by further deposit with said State Treasurer of the like securities: *Provided, however,* That if any such company shall become insolvent and proceedings shall have been taken in equity with a view to its dissolution, nothing in this section contained shall prevent an equal and just distribution of all its assets, including the securities so deposited with the State Treasurer, among the persons equitably entitled thereto.

Bonds, stocks, etc., held as security by State Treasurer.

State Treasurer to pay judgments remaining unpaid three months.

Proviso.

SEC. 9. Whenever it shall be necessary in any legal proceeding to prove the corporate existence of any such company, a certified copy of its articles of association shall be *prima facie* evidence of such existence.

Certified copy of articles prima facie evidence of existence.

Companies not to deal in merchandise except as provided for in this act.

Shall submit statement annually.

SEC. 10. No company formed under this act shall directly or indirectly deal or trade in buying or selling any goods, wares or merchandise or other commodity whatsoever except bicycles or parts or attachments thereof which have been insured by such company and have come into its possession and ownership after such insurance shall have been adjusted and paid and in the settlement thereof.

SEC. 11. It shall be the duty of the president or vice president and secretary, or actuary, or a majority of the directors or trustees of any company organized under this act or transacting business in this State, annually in the month of January to prepare under oath and deposit with the Commissioner of Insurance and with the county clerk of the county in which the principal place of business of such company within the State is situated, a duplicate statement showing:

First, The number of policies issued during the year;

Second, The amount of insurance effected thereby;

Third, The amount of premiums received during the year and what portion thereof was received within this State;

Fourth, The amount of interest and other receipts, specifying the items;

Fifth, The number and amount of losses paid during the year;

Sixth, The amount of losses claimed which remain unpaid and what portion thereof is disputed, and the ground on which the company disputed the same;

Seventh, The whole number of policies in force;

Eighth, The amount of liabilities or risks on such policies and of all other liabilities;

Ninth, The amount of the capital stock and how much thereof is paid in.

Commissioner of Insurance to furnish forms.

SEC. 12. The Commissioner of Insurance shall prepare and furnish to every company applying therefor, printed forms for the statements required in section eleven of this act. No company in default in making such statement shall receive any application or issue any policy of insurance while so in default, under a penalty of twenty-five dollars, to be sued for and recovered in the name of the people by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution, and any person who shall have paid to any agent of such company so in default any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent or, at his option, from the company by action of assumpsit.

Penalty for not making statement.

False statement, forfeiture of corporate franchises.

SEC. 13. Any false statement in any report required to be made under this act, or any statement so made as fraudulent to conceal the real facts, if intentionally so made, shall, if the company be organized under the laws of this State, be sufficient cause of forfeiture of the corporate franchises and if the company be organized under the laws of any other state or government, be sufficient cause of forfeiture of the right to

transact business within this State, and such forfeiture may be declared by the supreme court in any proper proceedings instituted by the Attorney General for the purpose, and any officer or agent guilty of any such false or fraudulent statement or of any intentional violation of the provisions of this act, or who shall aid or abet others in any such violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars and shall be imprisoned in the county jail until such fine be paid. And it shall be the duty of the Commissioner of Insurance to notify the prosecuting attorney of the proper county of any offense under this act which may come to his knowledge and it shall thereupon become the duty of such prosecuting attorney to cause proceedings to be taken for the punishment thereof.

Proceedings
to be insti-
tuted by
Attorney
General.

Commissioner
of Insurance
to notify
prosecuting
attorney.

Approved May 26, 1897.

[No. 158.]

AN ACT to provide for the preservation and perpetuation of the bills and resolutions passed by the legislature.

SECTION 1. *The People of the State of Michigan enact,* That all bills and resolutions passed by the legislature to which the signature of the Governor in the form of approval is required by the constitution, shall hereafter be preserved by the art of printing and not by being copied or transcribed by the pen.

Bills and reso-
lutions to be
preserved by
printing.

SEC. 2. The bills and resolutions of the two houses of the legislature, after being duly passed, shall be printed on a grade of pure linen paper, which shall be water-marked with the seal of the State of Michigan so that the water mark shall appear upon each printed page; the printing shall be in eighteen-point Jenson old style type, in lines each of thirty ems pica in length, in pages of twenty-seven lines to the page, leaded with single nonpareil slugs between each two lines thereof; each page shall be eight and one-half by twelve inches in size.

Style of print-
ing, paper and
type.

SEC. 3. It shall be the duty of each house of the legislature to provide by rule or joint rule for the proper carrying out of the provisions in sections one and two of this act.

Rules of both
houses to cor-
respond with
this act.

Approved May 26, 1897.

[No. 159.]

AN ACT to revise and amend the laws for the protection of game.

Act to revise and amend laws for protection of game.

SECTION 1. *The People of the State of Michigan enact*, That no person or persons shall injure, pursue, hunt or kill or attempt to kill, capture or attempt to capture by any means whatever, any deer or elk in the island of Bois Blanc, in Lake Huron, until the tenth day of November, eighteen hundred and ninety-nine, or in the counties of Alcona, Lapeer, Huron, Sanilac, Tuscola, Macomb, Allegan, Ottawa and St. Clair, until the first day of January, nineteen hundred and three, and thereafter only at the time, in the manner, and for a purpose authorized by law.

Deer, number allowed to kill.

SEC. 2. No person shall kill more than five deer in any one year and they shall only be killed at the time, in the manner, and for the purpose authorized by law.

When may hunt and kill.

SEC. 3. No person or persons shall pursue, hunt, kill or attempt to kill, capture or attempt to capture any deer in this State, save only from the eighth day of November to the thirtieth of November, both inclusive, in each year.

Not to capture or kill when in spotted or red coat.

SEC. 4. No person or persons shall pursue, hunt, or kill, capture or attempt to capture at any time, any deer when it is in the red coat or any fawn when it is in the spotted coat, or have in possession the skin of such deer or fawn in the red or spotted coat and the having in possession the skin of such deer or fawn shall be *prima facie* evidence of illegal killing.

Not to kill or capture in waters of State.

SEC. 5. No person or persons shall at any time, wound, kill or capture any deer in the waters of any of the streams, ponds or lakes within the jurisdiction of this State.

Not to kill or capture in pit-fall, etc.

SEC. 6. No person or persons shall injure, wound, capture or kill any deer by means of any pit, pit-fall, dead-fall, trap, scaffold, snare, net or any similar device, or by the use of any chemicals, poisons or explosives.

Artificial light not to be used.

SEC. 7. No person or persons shall make use of any artificial light in hunting or killing deer, and the wearing or having such light on the head, shall be *prima facie* evidence of violation of this section.

Hunting with dogs prohibited.

SEC. 8. No person or persons shall make use of a dog or dogs in hunting, pursuing or killing deer. The presence of a hound or hounds in woods, hunting camp, logging camp or club house during the hunting season shall be *prima facie* evidence of their unlawful use.

Dogs declared a nuisance; may be killed.

SEC. 9. Any dog pursuing, killing or following upon the track of a deer is hereby declared to be a public nuisance and may be killed by any person when so seen without criminal or civil liability.

Squirrels, when may be killed.

SEC. 10. No person or persons shall injure, kill or destroy, by any means whatever, any wild fox squirrel (American

squirrel), black squirrel or gray squirrel save only from the first day of October to the thirty-first day of December, both inclusive, in each year.

SEC. 11. No person or persons shall make use of ferrets in pursuing, capturing or killing fox squirrel, black squirrel or gray squirrel at any time. Use of ferrets prohibited.

SEC. 12. No person or persons shall injure, kill or destroy any wild turkey by any means whatever until the year nineteen hundred and five, and then save only from the first day of November to the thirtieth day of November, both inclusive, in each year. Wild turkeys, when may be killed.

SEC. 13. No person or persons shall injure, kill or destroy by any means whatever any ruffed grouse, sometimes called partridge or pheasant, colin or quail, sometimes called prairie pheasant, or any spruce hen save only from the first day of October to the first day of December, both inclusive, in each year: *Provided*, That in the Upper Peninsula partridge may be killed from September fifteenth to November fifteenth inclusive in each year. When grouse, partridge, etc., may be killed. Proviso.

SEC. 14. No person or persons shall injure, kill or destroy, by any means whatever, any kind of wild duck, wild goose, brant, or other wild water fowl, save only from the first day of September to the thirty-first day of January, both inclusive, and then only from one-half hour before sunrise until one and one-half hours after sunset each day: *Provided*, That in the Upper Peninsula any kind of wild duck, wild goose, brant or any other wild water fowl may be killed from September first to January fifteenth, inclusive, for each year. That it shall be unlawful to injure, kill or destroy any wild pigeon until the year nineteen hundred and five, and then only from October first to December thirty-first of each year, or any kind of snipe, woodcock, plover, save only from the first day of October to the first day of December, both inclusive, in each year. When duck, goose, brant, etc., may be killed. Proviso. Unlawful to kill or destroy wild pigeon.

SEC. 15. No person or persons shall at any time make use of any swivel or punt gun, or make use of any battery or mine, floating or stationary, or any similar contrivance, or any pneumatic boat, for the purpose of killing any wild duck, wild goose, brant or other wild water fowl. Use of swivel or punt gun, battery or mine or any similar device prohibited.

SEC. 16. No person or persons shall at any time make use of any pit, pit-fall, dead-fall, cage, snare, trap, net, or any similar device, or any baited hook or line or any drug, chemical or explosive for the purpose of injuring, killing or destroying any wild turkey, ruffed grouse, partridge, quail, colin, woodcock, snipe, plover, mourning dove or wild pigeon, spruce hen or any wild duck, wild goose, brant or other wild water fowl, or any other bird, the killing of which is at any time or at all times prohibited by law: *Provided*, That cages, snares, traps or nets may be used to capture quail alive, for the purpose of keeping them alive through the winter, but for no other purpose whatever. Quail so taken must not be transported out- Use of pit, dead fall, snare, trap, net or any similar device prohibited. Proviso to capture quails alive, etc. Not to be taken out of State.

side of this State, but must be again liberated when the weather is suitable in the spring.

Destroying or robbing nests prohibited.

SEC. 17. No person or persons shall at any time or in any manner whatever injure or destroy or rob the nest, or take, injure, destroy or have in possession the eggs of any bird, the killing of which is at any time or at all times prohibited by law, nor shall any person or persons at any time or in any manner whatever, molest, harass or annoy such birds while on their nesting places.

Dogs not to be trained within closed season.

SEC. 18. No person or persons shall molest, harass or annoy, or break, train or practice any dog upon any of the game birds or animals referred to in this act during the closed season.

Wild pigeons not to be killed within five miles of nestings.

SEC. 19. No person or persons shall in any manner whatever or at any time injure, capture, kill or destroy any wild pigeon or pigeons at or within five miles of the place or places where they are gathered in bodies for the purpose of brooding their young, sometimes spoken of as their nestings or rookeries, or within five miles of their roostings, and then only with gun and not until after the year nineteen hundred and five.

What birds protected by this law.

SEC. 20. No person or persons shall at any time or in any manner whatever injure, kill or destroy, or attempt to injure, kill or destroy, any robin, night hawk, whip-poor-will, finch, thrush, lark, swallow, yellow bird, blue bird, brown thrasher, cat bird, wren, martin, oriole, sea gull, woodpecker, bobolink, or any song bird or insectivorous bird excepting black bird, blue jay, English sparrows and butcher bird.

Game bird construed to be.

SEC. 21. The term "game bird" used in this act shall be construed to mean all birds named or referred to except those mentioned and referred to in section twenty.

Possession of dead body, carcass or skin within specified time prohibited.

SEC. 22. No person or persons shall have in possession the dead body, or carcass, or skin, or any portion thereof of any animal or bird mentioned or referred to in this act during the time when the killing of such animal or bird is unlawful except as authorized by law.

When unlawful to have in possession.

SEC. 23. It shall be unlawful for any person or persons to have in possession the dead body or carcass, or any portion thereof, of any animal or game bird mentioned or referred to in this act for sale, longer than five days immediately following the end of the time in each year when by the provisions of this act the same may be lawfully killed: *Provided, however,* It shall be lawful for any person or persons, at any time, to have in possession the dead body or carcass, or skin, or any portion thereof of any animal or bird mentioned or referred to in this act for scientific purposes, or as specimens or for his own consumption.

Proviso for scientific purposes, etc.

In prosecutions of, what persons must show and set forth.

SEC. 24. In all prosecutions for a violation of any of the provisions of this act the person or persons claiming the benefit of the last preceding section must show affirmatively as a part of his defense on the examination or trial, that the animal or bird of which the dead body, or carcass, or skin, or any portion

thereof is shown to have been in his possession during the time, when by law the killing thereof was unlawful, was killed at a time in the manner and for a purpose authorized by law; and that his possession at the time complained of was for one of the purposes authorized by said section and it shall not be necessary for the prosecution to aver or prove that such possession was not for one of the purposes authorized by said section.

SEC. 25. In all prosecutions for a violation of any of the provisions of this act proof of the possession of the dead body or carcass, or skin, or any portion thereof of any animal or bird mentioned or referred to in this act, at a time when the killing thereof was unlawful, shall be *prima facie* evidence that such animal or bird was killed at a time when the killing thereof was prohibited by law.

Proof of possession when killing was unlawful shall be *prima facie*.

SEC. 26. All persons violating any of the provisions of this act, whether as principal, agent, servant or employé, shall be equally liable as principal, and any person or principal shall be liable for any violation of any of the provisions of this act by his agent, servant or employé, done under his direction.

All persons equally liable.

SEC. 27. The State Game and Fish Warden is hereby authorized to issue permits to persons to capture or kill any kind of bird or animal mentioned or referred to in this act, at any time when satisfied that such person desires the same exclusively as specimens or for scientific or propagating purposes. Such permit shall be in writing and shall state the kind and number to be taken and the manner of taking, and the purpose for which they are desired and the name of the person to whom issued and date of issue and shall be signed by him. Such permits shall not be transferable and the holder thereof shall be liable to the penalties provided in this act if he violates any of its provisions.

Game and Fish Warden may issue permits to kill.

Permits to be in writing, what to contain, not transferable.

SEC. 28. It shall be the duty of all prosecuting attorneys in this State to prosecute all offenses against the provisions of this act in their respective counties on being informed that its provisions have been violated; and it shall be the duty of all sheriffs, under sheriffs, constables and police officers to inform against and prosecute all persons whom there is probable cause to believe are guilty of violating any of the provisions of this act, within their respective jurisdictions.

Duty of prosecuting attorney, sheriff, etc.

SEC. 29. The injuring, destruction or killing of each animal and bird injured, captured, killed or destroyed contrary to the provisions of this act shall be a separate offense, and the person so offending shall be liable to the penalties and punishments herein provided for each such offense.

What to be a separate offense.

SEC. 30. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than ten dollars and not exceeding one hundred and twenty-five dollars, and costs of prosecution, or by imprisonment in the county jail not less than thirty days and not exceeding six

Any violation of this act a misdemeanor.

Penalty.

months, or by both such fine and imprisonment in the discretion of the court, and in all cases when a fine and costs is imposed the court shall sentence the offender to be confined in the county jail until such fine and costs are paid for any period not exceeding six months. And in all cases where a fine and imprisonment is imposed the sentence shall provide that if the fine and costs is not paid at the time such imprisonment expires, the person serving out such sentence shall be further detained in jail until such fine and costs are fully paid for any period to be stated: *Provided*, The whole term of imprisonment shall not exceed six months.

Proviso not to exceed six months.

To be commenced within one year.

Proviso.

SEC. 31. All prosecutions under the provisions of this act shall be commenced within one year from the time such offense was committed: *Provided*, That if the person offending against the provisions of this act shall be absent from and reside out of this State the term of his absence shall not be taken as any part of the time limited for the commencement of such prosecution.

When lawful for railroad or express to transport carcass of deer.

Proviso.

Proviso as to shipment outside of State.

SEC. 32. It shall be lawful for any express, railroad or steamboat company to take and transport the carcass or any portion of a deer where a license coupon is attached according to law, from any railroad station or steamboat landing in any place in the Upper Peninsula when such carcass of deer or portion thereof is billed to any place in any county in the lower peninsula: *Provided*, That it shall be unlawful for such express, railroad or steamboat company to deliver such carcass or portion of a deer at any place other than to which it is billed: *And, provided further*, That this act shall not be so construed as to permit the shipment of the carcass of a deer, or any part thereof to any point without this State, which shipment is hereby prohibited.

Acts repealed.

SEC. 33. Act number two hundred and seventy-six of the public acts of eighteen hundred and eighty-nine, act number one hundred and fifty-two of the public acts of eighteen hundred and ninety-one, act number sixty-five of the public acts of eighteen hundred and eighty-nine, act number sixty-eight of the public acts of eighteen hundred and eighty-seven, act number ninety-seven of the public acts of eighteen hundred and ninety-three, and all other acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed, but nothing contained in the provisions of this act shall be construed in any wise to repeal or abridge any of the provisions of act number one hundred and ninety-six of the public acts of eighteen hundred and ninety-three or acts amendatory thereof: *Provided*, That all prosecutions commenced under existing laws may be prosecuted to a final determination under such laws, with like force and effect as if this act had not been passed.

Proviso that this act shall not repeal act 196 of public acts of 1893, etc.

Approved May 26, 1897.

[No. 160.]

AN ACT to establish a lien upon horses and other animals for the cost of shoeing the same.

SECTION 1. *The People of the State of Michigan enact*, That every person who shall shoe or cause to be shod by his employés, any horse, mule, ox or other animal shall have a lien upon the animal shod for his reasonable charges for shoeing the same, and each lien conferred by this act shall take precedence of all other liens or claims thereon not duly recorded prior to recording claim of lien as hereinafter provided. But such lien shall not attach when the property has changed ownership prior to the filing of such lien.

Act to establish lien upon horses and other animals for cost of shoeing.

SEC. 2. Any person desiring to secure the benefit of this act shall, within sixty days after the shoeing of such horse, mule, ox or other animal, or in case he shall have shod such animal more than once within that time, then within sixty days after the date of the last shoeing, file with the township clerk, or the city clerk, as the case may be, in the township or city in which such animal is, a statement made under oath by the claimant or someone in his or her behalf and a notice of his intention to claim a lien upon such animal for his charges for shoeing the same.

Limit of time within which claim of lien to be made.

SEC. 3. Such statement and notice shall state the name of the person claiming the lien, the name of the owner or reputed owner of the animal sought to be charged with the lien, and a description sufficient for identification of the animal upon which the lien is claimed and the amount due the claimant, as near as may be, over and above all legal set-offs.

Statement to certain name, description, etc.

SEC. 4. Any person may file successive liens upon the same animal for different charges for shoeing the same, and he may include in any one claim of lien his charges for any number of times of shoeing such animal: *Provided, however*, That no lien shall be had for any shoeing of any animal done more than six months prior to and filing of the notice of lien.

May file successive liens upon same animal.

Proviso.

SEC. 5. It shall be the duty of the township or city clerk as the case may be, upon the presentation to him of any such statement and notice of lien, to file the same in his office in the same manner as provided by law for the filing and recording of chattel mortgages; and he shall be entitled to charge and receive from the person filing such statement and notice a fee of twenty-five cents and no more.

Duty of clerk, fees, etc.

SEC. 6. A copy of any such statement and notice of lien filed as aforesaid, certified by the township or city clerk, as the case may be, shall be received in evidence in any proceeding taken to enforce the lien herein provided for, but only of the fact that such statement and notice of lien was received and filed according to the endorsements of the township or city clerk thereon, and of no other fact.

Copy of statement, etc., shall be received as evidence.

Who may
commence
suit.

SEC. 7. The person having such lien may commence a suit for the recovery of such charges, by summons, in the usual form, before any justice of the peace of the township or city in which he resides, or in any court, as the case may require, against the person liable for the payment thereof.

If personally
served upon
defendant.

SEC. 8. If such summons be returned personally served upon the defendant, the same proceedings shall thereupon be had in all respects as in other suits commenced by summons in which there is a personal service of process, and judgment shall be rendered in such suit in like manner.

Proceedings
when defend-
ant cannot be
found in
county.

SEC. 9. If the officer return upon such summons that the defendant cannot be found in his county, the same proceedings shall thereupon be had in all respects, as near as may be, as in suits commenced by attachment in which there is not a personal service of the attachment upon the defendant, and judgment shall be rendered in such suit in like manner.

Judgment for
plaintiff.
Proceedings,
etc.

SEC. 10. If the plaintiff recover judgment in such suit, execution shall issue thereon in the same manner and with the like effect as upon judgments rendered in suits commenced by attachment, and the horse, mule, ox or other animal upon which the plaintiff holds such lien shall not be exempt from execution but may be sold to satisfy such execution in the same manner as if it had been seized and held upon an attachment in such suit.

All expense to
be additional
lien.

SEC. 11. All expenses which shall have been incurred by the person having such lien, after the same accrued, shall be an additional lien upon the property, and shall be computed and ascertained upon the trial or assessment of damages, and included in the judgment.

Duty of court
in case of suits
or attach-
ments.

SEC. 12. In all suits or attachments prosecuted under the provisions of this act, the court, jury or justice of the peace who shall try the same or make an assessment of damages therein, shall, in addition to finding the sum due the plaintiff, also find that the same is due for the cost of shoeing the horse, mule, ox or other animal described in plaintiff's declaration and is a lien upon the same: *Provided, however,* That if the court, jury or justice of the peace shall find that the amount due the plaintiff is not a lien upon the property described in the plaintiff's declaration, the plaintiff shall not be non-suited thereby, but shall be entitled to judgment as in other civil actions; but in such case said plaintiff shall not recover or tax any costs other than those allowed and taxable in such case; and in those cases where the amount due is found to be a lien upon the property mentioned in plaintiff's declaration, the finding or verdict may be in the following form: (The court, jurors, or justice, as the case may be) say that there is due the plaintiff the sum of dollars from the said defendant, and that the same is due for his reasonable charges for shoeing the animal mentioned in plaintiff's declaration (giving a description sufficient for identification of the animal), and that the plaintiff has a lien upon said animal for said amount.

Proviso.

SEC. 13. When the said lien shall be duly perfected, as above provided, the horse, mule, ox or other animal, as above provided, shall be disposed of to satisfy said lien as follows:

The person obtaining said lien shall advertise said horse, mule, ox or other animal for sale, in the city, village or township as the case may be, where the claim of lien is filed, in a newspaper published within the city, village or township, as the case may be, if a newspaper be published within the city, village or township, and if not, in a newspaper published within the county once a week for three consecutive weeks, giving in said advertisement a description of said animal and cause of sale of same and at the expiration of said time, said horse, mule, ox or other animal shall be sold to the highest bidder, and the surplus, if any, after the payment of said lien and costs of court, and interest on said claim, to the claimant, shall be returned to the owner of said horse, mule, ox or other animal by the sheriff or constable, as the case may be, conducting said sale.

All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved May 26, 1897.

[No. 161.]

AN ACT making an appropriation for the relief of sufferers by the great fire of eighteen hundred and ninety-six, in Ontonagon village of this State.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury the sum of twenty-five thousand dollars, to be expended in furnishing aid to the sufferers by the great fire of August, eighteen hundred and ninety-six, in Ontonagon village, of this State, affected thereby: *Provided*, That no part of the money so appropriated shall be used in the payment of any individual or municipal debt, or the bonded indebtedness of said village or paid in cash, but shall be used only for the assistance and relief of those in absolute need as a result of the ravages of the fire.

SEC. 2. The appropriation made by this act shall be expended and disbursed, as the case may require, by a commission of three citizens of this State to be appointed by the Governor. And the Governor is hereby authorized to appoint said commission, who shall subscribe the constitutional oath of office, and who shall make reports to the Governor of their disbursements as often as he may require.

Commission
may make
requisition
for money.

SEC. 3. The said commission may make requisition on the Governor of this State for such sums of money out of and from said sum of money herein appropriated, as the said commission may deem necessary for said purpose herein provided for.

Governor
to approve
requisition.

SEC. 4. The Governor, upon examination and approval of the requisition presented to him, under the provisions of this act, shall by his certificate in writing, require the Auditor General to draw his warrant on the State Treasurer for such sum of money as is approved by him in the requisition of said commission. And the Auditor General is hereby authorized and required, on presentation of the Governor's certificate, to draw his warrant as herein prescribed and required, payable to said commission.

To be incor-
porated in
State tax.

SEC. 5. There shall be assessed upon the taxable property of this State, in the year eighteen hundred and ninety-seven, the sum of twenty-five thousand dollars, to be assessed and levied in like manner as other State taxes are assessed, levied and paid, which tax, when collected, shall be credited to the general fund, to reimburse to the same the sum to be withdrawn therefrom, as provided in this act.

This act is ordered to take immediate effect.

Approved May 26, 1897.

[No. 162.]

AN ACT to provide for the committing of indigent insane persons to the Wayne County Insane Asylum, and for the transfer of such persons to the State asylum, and from the State asylum to said county asylum, and to provide for the support and maintenance of such insane persons.

Wayne pro-
bate judge
may commit
certain
insane per-
sons to Wayne
county
asylum.

SECTION 1. *The People of the State of Michigan enact*, That the judge of probate for the county of Wayne, may commit indigent insane persons who would be a charge against the said county of Wayne, to the Wayne County Insane Asylum, when they cannot be received into the Eastern Michigan Asylum, in the same manner and under the same procedure as is provided by law for the admission of insane persons into the State asylums, and the support and maintenance of such insane persons, after two years, shall be a charge against the State, and shall be allowed by the Board of State Auditors, on proper accounts, certified by the board of superintendents of the poor for said county, and the medical superintendent of said county asylum, upon the certificate of the State Board of Corrections and Charities, that such insane persons have received proper treatment and care.

To be a charge
against State
after two
years.

SEC. 2. The State Board of Corrections and Charities may, from time to time, with the aid of the medical superintendent of said county asylum and the medical superintendent of one of the State asylums, to be selected by said board, examine into the treatment and care of patients in said county asylum, and said board, in its discretion, may, at any time, direct that any of such patients be transferred to a State asylum, and it shall be the duty of the superintendents of the poor of said county to make such transfer, and as to the patients so transferred, there shall be deducted from the two years for which their support and maintenance in the State asylum may be charged against the said county, the time for which they may have been confined in said county asylum.

State Board of Corrections and Charities to examine into care of patients.

Patients may be transferred to State asylum.

SEC. 3. The medical superintendent of either of the State asylums may, with the consent of the trustees thereof, transfer to said Wayne County Asylum any insane persons whose support and maintenance would be a charge against said county, and after the expiration of two years, including any time for which they may have been supported and maintained at expense of said county, the support and maintenance of such patients in said county asylum shall be allowed by the Board of State Auditors, on proper accounts, certified by the said superintendents of the poor and the medical superintendent of said county asylum. The medical superintendent of the Eastern Michigan Asylum may, with the consent of the trustees thereof, transfer to said Wayne County Asylum any insane person or persons under treatment at the expense of the State of Michigan, who have been committed to the Eastern Asylum from Wayne county, and the accounts for the maintenance of such patients shall be allowed by the Board of State Auditors, and paid by the State of Michigan, on proper accounts, certified, as provided in section one of this act: *Provided*, That no greater sum than the actual cost which shall at no time exceed three dollars per week, shall be allowed and paid under the provisions of this act, for the support and maintenance of any patient at said county asylum: *Provided further*, No greater sum shall be allowed than shall be charged to counties by said Eastern Asylum for maintenance of patients during the said period.

Wayne county patients may be transferred from State to Wayne county asylum.

Board of State Auditors to allow maintenance.

Transfers from Eastern Michigan Asylum to Wayne county asylum.

Maintenance.

Proviso as to cost of maintenance.

SEC. 4. The books of said superintendents of the poor shall be open at all times to the inspection of the Governor of the State and all persons whom he or the Board of State Auditors may appoint to examine the same for the purpose of verifications of claims against the State.

Books, etc., to be open to inspection by Governor and Board of State Auditors.

SEC. 5. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved May 13, 1897.

[No. 163.]

AN ACT to facilitate proceedings to quiet title of real estate
as against unknown claimants of title.

When title to
real estate is
obscured by
unknown
parties.

Unknown
grantees may
be made
parties de-
fendant.

Order for ap-
pearance to
issue.

Subsequent
proceedings,
how con-
ducted.

SECTION 1. *The People of the State of Michigan enact*, Where-
ever the complainant in a bill to quiet his title to real
estate shall set up in his bill that a certain named defendant
is the owner, so far as complainant can by diligent search and
inquiry ascertain, of the claim of title against which relief
is sought, and further that complainant has reason to believe
and does believe that said defendant has parted with his rights
by some conveyance, or that his rights thereto are in some
way incumbered by some instrument or proceeding of the
exact nature of which complainant is ignorant, and which does
not appear of record in the office of the register of deeds of the
county in which said land is situated, and that the parties who
by reason of such conveyance or incumbrance have mediate-
ly or immediately acquired an interest in the claim of title
against which relief is sought are unknown to complainant
and cannot be ascertained by diligent search and inquiry, it
shall be lawful to make such unknown grantees and incum-
brancers, jointly with the known defendant, parties defendant
to such suit by the name and description of the unknown
grantees of the said known defendant. In all such cases, if
the bill is not sworn to, an affidavit shall, at the time of filing
of the said bill, be made and filed in the office of the register
in chancery of the county wherein said suit or proceeding
is brought by the complainant, his agent or solicitor, verifying
the facts hereinbefore required to be set up; and said bill shall
be accompanied by a certificate of the register of deeds of said
county, or an affidavit of some individual engaged in the bus-
iness of preparing abstracts of title in said county, that he has
made a diligent search of the records in said office and that
there does not appear of record any instrument by which the
known defendant named in the bill has parted with or incum-
bered his claim of title to or interest in the property described
in said bill, against which relief is sought; and if it shall
appear therefrom to the satisfaction of the court or a judge
thereof, or a circuit court [commissioner] commission of the
county where said suit is brought, that such unknown grantees
are properly made parties, pursuant to this act, an order shall
be made by the circuit judge or circuit court commissioner,
as the case may be, for the appearance of such unknown
parties on or before a future day to be specified in said order,
not less than four months from the date of said order.

SEC. 2. All subsequent proceedings, including publication
of said order, shall be taken in the same manner and with like
effect as though the names of said grantees were known, but
they were non-residents of this State, and such proceedings

shall be in conformity with the statute relating to non-resident defendants: *Provided*, That the rights of infants, insane persons, idiots, or other persons who under the laws of this State would be under legal disability, shall not be affected or concluded by any proceedings under this act until the expiration of seven years after such disability shall have been removed; but in case the complainant shall serve notice in writing of the decree which may have been made in the suit upon said person after said disability shall have been removed, he shall be affected and concluded thereby in one year thereafter.

Rights of
infants,
insane per-
sons, etc., not
affected.

SEC. 3. Any person made a defendant in any suit as an unknown grantee, and who desires to appear therein may, upon filing an affidavit in the office of the register in chancery of the county wherein said suit is pending that he claims rights in the premises described in the bill through the known defendant, enter an order of course in said suit that it shall, so far as he is concerned, proceed against him in his proper name as a co-defendant with the remaining parties, and upon service of a copy of said affidavit and notice of the entry of said order upon the complainant or his solicitor, together with notice of the entry of the usual order of appearance, then the said suit shall from that time proceed as in all other suits in chancery.

Defendants to
appear by
proper name,
how.

This act is ordered to take immediate effect.

Approved May 28, 1897.

[No. 164.]

AN ACT to amend section 6 (six) of chapter one hundred and eighty-three (183) of the compiled laws of eighteen hundred and seventy-one (1871), entitled "An act relative to the commencement of suits, process and service and return of original writs, being compiler's section seven thousand two hundred and ninety-five (7295) of chapter two hundred and fifty-seven (257) of Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That section six (6) of chapter one hundred and eighty-three (183) of the compiled laws of eighteen hundred and seventy-one (1871), entitled "An act relative to the commencement of suits, process and service and return of original writs, being compiler's section seven thousand two hundred and ninety-five (7295) of chapter two hundred and fifty-seven (257) of Howell's annotated statutes of Michigan," be, and the same is hereby amended so as to read as follows:

Section
amended.

SEC. 6. All original writs in personal actions shall be a summons or a *capis ad respondendum* according to such form

Original
writs.

When writs may be issued. as shall be fixed by the general rule of court. Said writs may be issued in vacation or term time and shall be made returnable according to the general rule of court.

Repealing clause. SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.
Approved May 29, 1897.

[No. 165.]

AN ACT making appropriations for the current expenses of the Central Michigan Normal School for the years one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, and to make improvements on school buildings for heating plant and water closets.

Appropriation for current expenses. SECTION 1. *The People of the State of Michigan enact,* That there is hereby appropriated, out of the State treasury, the sum of twelve thousand dollars for the year one thousand eight hundred and ninety-seven, and the sum of twelve thousand dollars for the year one thousand eight hundred and ninety-eight, which sums are hereby appropriated for the current expenses of the Central Michigan Normal School for the years above named, and shall be drawn from the treasury on the presentation of properly certified requisitions of the State Board of Education, to the Auditor General, and on his warrant to the State Treasurer.

Money, how drawn.

Appropriation for improvements, etc. SEC. 2. That there be, and the same is hereby appropriated out of the general fund in the State treasury for the year one thousand eight hundred and ninety-eight, the sum of five thousand dollars for the purpose of making improvements on the school buildings, for a heating plant and water closets, which sum shall be drawn from the treasury upon the presentation of properly certified requisitions of the State Board of Education to the Auditor General, and on his warrant to the State Treasurer: *Provided,* That said sum of five thousand dollars shall not be drawn from the treasury until after April the first, one thousand eight hundred and ninety-eight.

How drawn.

Proviso as to time when drawn.

To be incorporated in State tax. SEC 3. The Auditor General shall incorporate in the State tax for the year one thousand eight hundred and ninety-seven, the sum of seventeen thousand dollars, and in the State tax of the year one thousand eight hundred and ninety-eight, the sum of twelve thousand dollars, which tax, when collected, shall be credited to the general fund to reimburse the same for the sums to be drawn therefrom, as provided in sections one and two of this act.

Approved May 29, 1897.

[No. 166.]

AN ACT making appropriations for the Michigan School for the Deaf for the years eighteen hundred and ninety-seven (1897) and eighteen hundred and ninety-eight (1898).

SECTION 1. *The People of the State of Michigan enact*, That the sum of seventy thousand dollars is hereby appropriated to meet the current expenses of the Michigan School for the Deaf for the year eighteen hundred and ninety-seven, and the like sum of seventy thousand dollars for the year eighteen hundred and ninety-eight.

Appropriation
for School for
the Deaf.

SEC. 2. The further sum of twelve thousand and fifty dollars for the year eighteen hundred and ninety-seven and eighteen hundred and ninety-eight is appropriated for the following purposes: For a shop building, the sum of five thousand dollars; for a hospital building, the sum of twenty-five hundred dollars; for additional stand pipes and hose, six hundred dollars; for a steam pump, seven hundred and fifty dollars; for painting and calcimining, six hundred dollars; for roofs and gutters, five hundred dollars; for fences, walks and grounds, five hundred dollars; for re-setting and repairing boilers, eight hundred dollars; for kitchen range and utensils, eight hundred dollars.

Purposes for
which appro-
priated.

SEC. 3. The several sums appropriated by the provisions of this act are hereby appropriated out of the general fund in the State treasury, and shall be passed to the credit of the Michigan School for the Deaf, and paid to the board of trustees of that school or to its treasurer at such times and in such amounts as is now provided by law, and as may be necessary to meet the needs of the school and provide for its best interests.

To be taken
from general
fund.

SEC. 4. The Auditor General shall incorporate in the State tax for the year eighteen hundred and ninety-seven the sum of eighty-two thousand and fifty dollars and for the year eighteen hundred and ninety-eight, the sum of seventy thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for moneys hereby appropriated.

To be incor-
porated in
State tax.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 167.]

AN ACT to prevent the forfeiture of fire insurance policies by the violation of any condition of the policy when such violation has been without prejudice to the insurer.

When policy
not to be void.

SECTION 1. *The People of the State of Michigan enact*, That no policy of fire insurance shall hereafter be declared void by the insurer for the breach of any condition of the policy if the insurer has not been injured by such breach, or where a loss has not occurred during such breach, or by reason of such breach of condition.

Unoccupied
building.

SEC. 2. If a building that is insured, whether intended for occupancy by owner or tenant be or become vacant or unoccupied and so remain for ten days, without the consent of the company endorsed on the policy, such vacancy shall not avoid said policy of insurance.

Clause added
to standard
policy to con-
tain what.

SEC. 3. There shall hereafter be inserted in, or by stamp or rider affixed upon, the standard form of insurance policies used in this State, after the clause which contains the conditions for a breach of which without the consent of the company endorsed thereon the policy is declared void, a proviso in substance as follows: *Provided*, A loss shall occur on the property insured while such breach of condition continues or such breach of condition is the primary or contributory cause of the loss.

Approved May 29, 1897.

[No. 168.]

AN ACT to provide for the erection of an electric lighting plant at the University of Michigan at a cost not exceeding twenty thousand dollars, and to make an appropriation therefor.

Appropriation
for lighting
plant at Uni-
versity.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty thousand dollars be and the same is hereby appropriated out of the general fund to be used by the regents of the University of Michigan for the construction of an electric lighting plant at said University of Michigan.

To be incor-
porated in
State tax.

SEC. 2. The Auditor General is hereby ordered to apportion to the several counties of this State according to the equalized valuation thereof, the said sum of twenty thousand dollars for the year eighteen hundred and ninety-seven, to be levied and collected as other State taxes are levied and collected, and when so levied and collected the same shall be credited to the

general fund to reimburse the same for the amount appropriated by this act.

Approved May 29, 1897.

[No. 169.]

AN ACT to provide for the appropriation of five thousand acres of State swamp land, for the purpose of cleaning out Shiawassee river in the county of Saginaw.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of State swamp lands of this State be and they are hereby authorized and empowered, and it shall be their duty, within sixty days after the taking effect of this act, to appropriate five thousand acres of State swamp lands in the lower peninsula, vacant and not appropriated, to any specific purpose, for the purpose of cleaning out the channel of Shiawassee river in Saginaw county, where necessary to aid in draining and reclaiming swamp and overflowed lands adjacent thereto. Said lands, when thus appropriated, shall be selected within sixty days after this act takes effect, and no swamp land script shall issue therefor, and shall be taken out of the market for the purposes of this act and shall not be used except in carrying out the purpose above specified: *Provided*, That such work shall be done and the expenditure of such appropriation be made in pursuance of the provisions of law now in force relative to the construction of State roads and ditches, under the supervision and control of the Commissioner of the State Land Office and the board of control of State swamp lands.

Appropriation
of swamp
lands.

When lands
to be selected.

SEC. 2. All acts and parts of acts in anywise contravening any of the provisions of this act are hereby repealed.

Repealing
clause.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 170.]

AN ACT to prohibit the employment of females as barkeepers, or to serve liquors, or for dancing, or to furnish music in any saloon or barroom where spirituous or intoxicating liquors, or malt, brewed or fermented liquors are sold or kept for sale.

SECTION 1. *The People of the State of Michigan enact*, That no person shall employ any girl or woman as barkeeper, or to serve liquors, or to furnish music, or for dancing in any saloon,

Prohibiting
employment
of females as
barkeepers,
etc.

	or barroom where spirituous or intoxicating liquors, or malt, brewed or fermented liquors are sold or kept for sale.
Idem.	SEC. 2. No girl or woman shall be employed to tend bar, serve liquors, to dance or furnish music in any saloon or barroom where spirituous or intoxicating liquors, or malt, brewed or fermented liquors are sold or kept for sale.
Permission to tend bar not to be granted.	SEC. 3. No keeper or proprietor of a saloon where spirituous or intoxicating liquors or malt, brewed or fermented liquors are sold or kept for sale shall permit any girl or woman to tend bar, serve liquors, dance or furnish music for hire in his saloon or barroom: <i>Provided</i> , That this act shall not be so construed as to prevent the wife or other females who are <i>bona fide</i> members of the family of a proprietor of a saloon from tending bar or serving liquors in his saloon.
Proviso as to relative of proprietor of saloon.	
Penalty.	SEC. 4. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed fifty dollars and costs of prosecution, or by imprisonment in the county jail for a term not to exceed thirty days, or by both such fine and imprisonment, in the discretion of the court.
	Approved May 29, 1897.

[No. 171.]

AN ACT to provide a punishment for wrecking or attempted wrecking of railroad trains within this State, and for robbery or attempted robbery on said trains.

Attempted wrecking of railroad trains declared a felony.	SECTION 1. <i>The People of the State of Michigan enact</i> , That any person or persons who shall wilfully and maliciously place upon any railroad track any obstruction, or who shall change any switch or track, or remove any spikes or rails from any railroad track, or who shall change the brakes upon any cars standing on any railroad track in this State, for the purpose of wrecking said railroad train or trains, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State Prison at hard labor for life, or for any term of years not less than five, in the discretion of the court.
Penalty.	
Forcible detention of railroad train, etc., for purpose of robbery.	SEC. 2. That any person or persons who shall wilfully and maliciously, with intimidation or threat of life with firearms, dynamite, or other dangerous devices, stop a railroad train, or cause the officers or employes of said railroad company to stop or leave the train, or detach the train one part from another, or compel the engineer or fireman to run the train contrary to their general order, or any part thereof in this State, for the purpose of wrecking or robbing said train, or the pas-

sengers or employés thereon, or the express or mail cars of such train, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State Prison at hard labor for life, or for any term of years not less than five, in the discretion of the court. **Penalty.**

SEC. 3. That any person or persons who shall enter upon any railroad train, passenger car, mail car, or express car, with intent to rob said railroad train, passenger car, mail car, express car, or the passengers or employés on said cars, by means of intimidation or by threat of life to the passengers or employés upon said cars or in charge of said cars in this State, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Prison at hard labor for life, or for any term of years not less than five, in the discretion of the court. **Entering trains or cars for purpose of robbery. Penalty.**

SEC. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed. **Repealing clause.**

Approved May 29, 1897.

[No. 172.]

AN ACT to amend section two of act number forty of the laws of Michigan of eighteen hundred and seventy-seven, entitled "An act to provide for or facilitate the incorporation of military or light guard companies for certain purposes," being chapter twenty-six of Howell's annotated statutes and to add a new section thereto to be known as section eleven.

SECTION 1. *The People of the State of Michigan enact,* That section two of act number forty of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for or facilitate the incorporation of military or light guard companies for certain purposes," be and the same is hereby amended so as to read as follows: **Section amended.**

SEC. 2. Any thirty-two or more members of any such company desirous of becoming incorporated under this act, may make and execute under their hands and seals articles of association, which articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth: **Articles of association.**

First, The names of all the persons so associating, and their places of residence; **What to set forth, names.**

Second, The corporate name by which such corporation shall be known in law, and the place of its business office; **Corporate name.**

Third, The object and purpose of such association, and the period for which it is incorporated, not exceeding thirty years. **Object.**

Corporation
may agree to
joint use with
other asso-
ciations.

Agreement to
be approved
by State mili-
tary board.

SEC. 11. Any corporation organized under this act may, with the consent of the State Military Board, enter into an agreement with any athletic, literary or young men's christian association respecting the joint use by said military corporation and said other named corporation of any gymnasium or other part of any armory erected or leased by said military corporation either in connection with a building to be erected by said athletic, literary or young men's christian association or separately: *Provided, however,* That the terms and stipulation of said agreement shall be first approved by the said Military Board.

Approved May 29, 1897.

[No. 173.]

AN ACT to authorize commissioners of highways in townships to purchase tools and machinery for making roads in certain cases, and prescribe the manner of payment therefor, and the use and care of such machines.

Commissioner
of highways
to purchase
tools, etc.

Implements to
be paid for
from high-
way fund.

Commissioner
of highways to
have custody
of imple-
ments.

SECTION 1. *The People of the State of Michigan enact,* That the commissioner of highways in any township may, upon the joint request of a majority of the overseers of highways of such township, in writing and with the assent thereto of the township board of the township, purchase for the use of the township, upon credit or otherwise, any tools, road machines, rock crusher or roller, or either of them, or one or more of either of them, for the use of such township or the road districts therein, as in this act provided. Such implements, when purchased, shall be paid for out of the highway fund of the township, according to the contract therefor, and the highway commissioner and supervisor shall issue orders for the same and such orders shall be registered with the township clerk and the township clerk shall certify to the supervisor at the time of certifying the township taxes, the sum necessary to pay such orders, and the same shall be added to the other taxes to be raised for highway purposes, and when collected shall be applied to payment of such orders, and to no other purpose until all such orders are paid. The commissioner of highways shall have the custody and control of all tools and machines so purchased, and it shall be his duty to arrange with the several overseers of highways that each district shall have the use of such tools and machines, having reference to such as in his opinion may most need the same in the order in which applied for and each road district shall with the consent of said commissioner have the use of such tools and machines for doing road work.

SEC. 2. That the commissioner of highways may, upon the request of one or more overseers of the highway districts of their township contract for and purchase for such district or districts, upon credit or otherwise, if a majority of the taxpayers of one or more highway districts in any township, representing more than one-half of the taxable property in such district, or in each of such districts, to be ascertained by the last preceding assessment roll and certified to as such by the town clerk of the town, petition the commissioner of such township therefor, such commissioner may contract for and purchase upon credit or otherwise a road machine for the use of such district or districts, which implement shall be used, cared for and owned by such district or districts jointly. Such implement shall be paid for out of the highway tax of the district or districts for which they are purchased, and may be paid for in annual installments, not exceeding five years. If purchased for more than one district, the amount paid by each shall be in proportion to the amount of highway tax paid by each; a copy of the note or contract issued upon the purchase of such implement shall be filed in the office of the township clerk of the township in which such road district or districts are situated, and it shall be the duty of said township clerk to present a statement of the sum due thereon to the township board at each annual meeting thereafter for the audit of the township claims and charges, and the township board shall audit such sum and certify the same to the board of supervisors of the county. Not more than one-half of the highway tax of any district shall be applied in payment therefor in any one year. The portion of such tax so applied shall be required to be paid in money, and be assessed and levied upon the property of such district or districts and collected in the same manner as other township charges are assessed, levied and collected, except that the amount thereof shall be put in a separate column upon the tax roll, and the board of supervisors of the county shall cause the sum so certified by the township board to be levied upon the taxable property of such highway district or districts, such commissioner of highways shall, with the assistance of the overseer of highways in any road district which is to be charged with the payment of such machine, after the completion of the assessment roll and ten days before the meeting of the board of supervisors of the county, make and deliver to the supervisor of such township a list of the persons in such district or districts who are named in the last assessment roll as being liable to assessment for taxes to be levied for the payment of such road machine.

Highway districts may purchase road machines.

To be paid for from highway tax of district.

How tax shall be raised, spread and collected.

SEC. 3. Each overseer of highways shall be personally responsible for the proper use and care of such tools and machines while in his charge, or in use in his road district, and any overseer or other person who shall through negligence or otherwise wilfully injure or damage such tool or machine shall be liable for such damage in an action of trespass on the case

Overseers of highways personally responsible for care of tools.

Commissioner of highways to provide suitable place for storage.

Penalty for unauthorized removal of tools.

to be brought by said commissioner before any justice of the peace in said township or any adjoining townships.

SEC. 4. It shall be the duty of the commissioner of highways of each township to provide a suitable place for the storage and proper housing of all tools, implements and machinery that are owned by the township, and to cause such tools and implements to be stored and housed therein at all times when not in use.

SEC. 5. Any person who shall break into any such place of storage as above provided, or remove or take away without the consent of the commissioner of highways, or the consent of the overseer of highways when such tools are owned by road districts, or injure any such tools or machinery, shall be deemed guilty of a misdemeanor, and may be punished therefor by a fine not exceeding one hundred dollars (\$100) or by imprisonment for not more than ninety days, or both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 174.]

AN ACT to provide for the licensing of insurance companies, to insure against loss or damage, resulting from burglary and robbery or attempt thereat, also the loss of money or securities in transit by registered mail, limiting the scope of their business, and defining their powers, duties and qualifications.

Burglary insurance companies to be licensed in this State.

SECTION 1. *The People of the State of Michigan enact*, That any insurance company organized and incorporated on the mutual plan under the laws of this State or of any other state of the United States for the purpose of insuring against loss or damage resulting from burglary and robbery or attempt thereat and insuring against the loss of money and securities in course of transportation when shipped by registered mail, shall be admitted and licensed to do business in this State as hereinafter provided.

Policies, number of, to be in force.

SEC. 2. Before any such company shall be permitted and licensed to transact business in this State, it shall have in force five hundred (500) or more policies on which the premium shall have been paid in cash or shall be evidenced by the written contracts of the policy holders, on which not less than one-fifth (1-5) of the amount shall have been paid in cash, and the cash and contracts for premiums shall amount in the aggregate to a sum of not less than fifty thousand dollars (\$50,000). The

premium contracts so held shall constitute a part of the assets of the company.

SEC. 3. Every such company, association or partnership shall file in the office of Commissioner of Insurance a certified copy of their charter or deed of settlement, together with a statement, under oath, of the president or vice president, and secretary of the company, for which he or they may act, stating the name of the company and place where located, a detailed statement of its assets, showing the number of policy holders, aggregate amount of premium contracts, the amount of cash on hand, in bank, or in the hands of agents, the amount of real estate, and how the same is incumbered by mortgage, the number of shares of stock of every kind owned by the company, the par and market value of the same, amount loaned on bond and mortgage, the amount loaned on other securities, stating the kind, and the amount loaned on each, and the estimated value of the whole amount of such securities; any other assets or property of the company, also stating the indebtedness of the company; the amount of losses adjusted and unpaid; the amount incurred and in process of adjustment; the amount resisted by the company as illegal and fraudulent, and all other claims existing against the company; also a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any such company whose reinsurance reserve as required in this act is impaired to the extent of twenty per cent thereof while such deficiency shall continue. Nor shall it be lawful for any agent or agents to act for any company or companies referred to in this act, directly or indirectly, in taking risks or transacting the business of burglary and robbery insurance or the insuring of the safe shipping of money and securities by registered mail, in this State, without procuring from the Commissioner of Insurance a certificate of authority, stating that such company has complied with all the requisitions of this act which apply to such companies, and the name of the attorney appointed to act for the company.

Companies to file copy of charter and statement.

Statement to show what.

Copy of last annual report to be filed.

Unlawful to do business prior to issuance of certificate.

SEC. 4. Any company permitted and licensed to transact business in this State under this act shall confine its line of business to that stated in the first section of this act. And shall confine its business in this State to banks, bankers, loan companies and county treasurers, and shall not issue any policy or policies to any persons, firms or corporations in this State other than banks, bankers, loan companies and county treasurers. Every such company shall set aside a reinsurance reserve of fifty per cent of its premiums, whether collected in cash or represented by obligation of the policy holders, as written in its policies.

With whom companies may do business.

Re-insurance reserve provided for.

SEC. 5. Policy holders of any company permitted to transact business in this State under this act shall be held liable to pay the membership fee and premium on their insurance as

Policy holders liable for membership fee, etc.

paid or contracted to be paid at the time the policy is taken out and shall not be held liable for any other or further assessments or claims on the part of the company or its policy holders. The membership fee and premium agreed upon may be collected in cash at the time policy is issued or evidenced by a written obligation of the policy holder as may be agreed upon by the company and the policy holder. Such payment or obligation shall be the limit of the liability of the policy holder to the company for premium on their insurance.

Company
to appoint
attorney.

SEC. 6. It shall not be lawful for any insurance company, association or partnership incorporated by or organized under the laws of any other state of the United States, for any of the purposes specified in this act directly or indirectly to take risks or to transact any business of insurance in this State, by any agent or agents in this State, until it shall first appoint an attorney in this State on whom process of law can be served, and file in the office of the Insurance Commissioner a written instrument, duly signed and sealed, certifying such appointment, which shall continue until another attorney be substituted; and any process issued by any court of record in this State, and served upon such attorney by the proper officer of the county in which such attorney may reside or may be found, shall be deemed a sufficient service of process upon such company, but service of process upon such company may also be made in any other manner provided by law.

Process of
court served
upon attorney
deemed suffi-
cient.

Statement of
company to be
renewed,
when.

SEC. 7. The statement and evidences of membership, assets and investments required by section three (3) of this act, shall be renewed from year to year, in such manner and form as may be required by said Insurance Commissioner, with an additional statement of the amount of premiums received in this State during the preceding year, so long as such agency continues, and the said Insurance Commissioner on being satisfied that the membership, assets, securities and investments remain secure, as hereinbefore mentioned, shall furnish a renewal of the certificate, as aforesaid, upon the payment to the State, at the time of filing the statement herein provided for, and a fee of five dollars for each Michigan corporation and twenty-five dollars for each foreign corporation. Any violation of any of the provisions of this act shall subject the party violating the same to a penalty of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500).

Commissioner
of Insurance
to furnish
renewal cer-
tificate, when.

Penalty for
violation of
act.

Approved May 29, 1897.

[No. 175.]

AN ACT to fix the relations of the existing normal schools of the State.

SECTION 1. *The People of the State of Michigan enact,* That the State Board of Education shall maintain substantial uniformity and reciprocity in the courses of study of the Central Michigan Normal School and with any related courses which may be offered at the State Normal School at Ypsilanti; so that transfer of students from one school to another shall not lead to loss of standing for similar courses; and shall, upon the completion of the course by any student in the Central Michigan Normal School, and upon recommendation of the principal and a majority of the faculty thereof, grant the following certificate only, which shall be signed by said board and faculty, or such members thereof as the board may direct; which certificates shall contain a list of studies included in said courses, and which shall entitle the holder to teach in any of the schools of the State for which said courses have been provided, as follows:

First, Upon the completion of a course of study containing the branches of instruction required by law for a third grade county certificate, and such work in science and art of teaching as said Board of Education may require, the board shall issue a certificate, valid for two years, authorizing the holder to teach in any district school of this State employing not more than one teacher: *Provided,* that said two years' certificates may be once renewed for a like period upon satisfactory evidence to the granting power of successful experience in teaching.

Second, Upon the completion of a course of instruction containing the branches of instruction required for a first grade county certificate, and such additional work in the science and art of teaching as said Board of Education may require, said board shall grant a certificate, valid throughout the State for a period of three years: *Provided,* That said three [year] years' certificate may be once renewed for a like period, upon satisfactory evidence to the granting power, of successful experience in teaching.

SEC. 2. The State Board of Education may, through the State Normal School at Ypsilanti, grant similar certificates for elementary graded and rural schools as in their judgment shall seem wise, and shall through the same institution continue to grant certificates good for five years, life certificates, diplomas and degrees, as are now provided by statute and custom; and in recognition of the work now being done under existing laws, in those life certificates and degree courses in the State Normal School at Ypsilanti, the State Board of Education is empowered to designate that school in the courses

Uniformity and reciprocity in studies to be maintained in normal schools.

What certificate to be granted teachers.

Certificate to entitle holder to what.

Certificates for two years to issue, when.

Renewal.

Certificates for three years to issue, when.

Renewal.

State Board of Education to continue the grant of certain certificates.

State Normal School designated as State Normal College, when.

leading to such certificate and degree by the name, The Michigan State Normal College.

Acts repealed. SEC. 3. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Approved May 29, 1897.

[No. 176.]

AN ACT to amend section eight of act number two hundred and six of the laws of Michigan for the year eighteen hundred and eighty-one, entitled "An act to provide for the uniform regulation of certain State institutions, and to repeal section seven of act number one hundred and forty-eight of the session laws of eighteen hundred and seventy-three, act one hundred and sixty-two of the session laws of eighteen hundred and seventy-three, act number thirty-one of the session laws of eighteen hundred and seventy-five, section seventeen of act number two hundred and thirteen of the session laws of eighteen hundred and seventy-five, section seventeen of act number one hundred and seventy-six of the session laws of eighteen hundred and seventy-seven, section sixteen of act number one hundred and thirty-three of the session laws of eighteen hundred and seventy-nine, section twenty of act number two hundred and fifty of the session laws of eighteen hundred and seventy-nine, and all acts or parts of acts contravening the provisions of this act" being compiler's section four hundred and nineteen of volume one of Howell's annotated statutes of the State of Michigan.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section eight of act number two hundred and six of the laws of Michigan, for the year eighteen hundred and eighty-one, entitled "An act to provide for the uniform regulation of certain State institutions, and to repeal section seven of act number one hundred and forty-eight of the session laws of eighteen hundred and seventy-three, act one hundred and sixty-two of the session laws of eighteen hundred and seventy-three, act number thirty-one of the session laws of eighteen hundred and seventy-five, section seventeen of act number two hundred and thirteen of the session laws of eighteen hundred and seventy-five, section seventeen of act number one hundred and seventy-six of the session laws of eighteen hundred and seventy-seven, section sixteen of act number one hundred and thirty-three of the session laws of eighteen hundred and seventy-nine, section twenty-one of act number two hundred and fifty of the session laws of eighteen hundred and seventy-nine, and all acts or parts of acts contravening the provisions of this act," being

compiler's section four hundred and nineteen, volume one, Howell's annotated statutes of the State of Michigan, be and the same is hereby amended to read as follows:

SEC. 8. That the boards of the Michigan institutions for educating the deaf and the dumb, the Industrial School for Boys, the Industrial Home for Girls, the State Public School, the State Board of Education, the Michigan School for the Blind, the Michigan College of Mines, and the Michigan Home for the Feeble Minded and Epileptic and Central Normal School, are hereby severally authorized to draw from the general fund of the State treasury in the months of January, February, March and April, in the years in which the regular sessions of the legislature are held, such amount of money as shall be made to appear to the Auditor General to be necessary to meet the current expenses, of the institution for which the money is asked during said months, which amount drawn shall not exceed one-third the amount appropriated for current expenses for such institution for the year preceding said regular session of the Legislature. That the amount so drawn shall be considered as an advance to the institution drawing the money on any appropriation made by the legislature at its regular session for the year in which the appropriation is made, and shall be deducted therefrom and transferred to the general fund.

Certain boards may draw money from general fund for current expenses.

Amount drawn to be considered an advance.

Approved May 29, 1897.

[No. 177.]

AN ACT to amend sections thirty-three (33) and thirty-eight (38) of act number one hundred thirty-five (135) of the public acts of eighteen hundred eighty-five (1885), entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof, and of the inmates therein, and to repeal act one hundred sixty-four (164), laws of eighteen hundred and fifty-nine (1859); also act one hundred and ninety-four (194), laws of eighteen hundred and seventy-seven (1877); also act ninety-one (91), laws of eighteen hundred and seventy-three (1873) and the acts amendatory thereto; also act one hundred and seventy-two (172), laws of eighteen hundred and seventy-three (1873);" also act two hundred and sixty (260), laws of eighteen hundred and ninety-five (1895), approved June three, eighteen hundred and eighty-five (1885), being section nineteen hundred and thirty d two (1930d 2) and nineteen hundred and thirty d seven (1930d 7) of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact*, That sections thirty-three (33) and thirty-eight (38) of act one hun-

Sections amended.

dred and thirty-five (135) of the public acts of eighteen hundred and eighty-five (1885), entitled "An act to revise, amend and consolidate the laws organizing asylums for the insane, and regulating the care and management thereof, and of the inmates therein, and to repeal act one hundred sixty-four (164), laws of eighteen hundred and fifty-nine (1859); also act one hundred and ninety-four (194), laws of eighteen hundred and seventy-seven (1877); also act ninety-one (91), laws of eighteen hundred and seventy-three (1873), and the acts amendatory thereto; also act one hundred and seventy-two (172), laws of eighteen hundred and seventy-three (1873)" as amended by act two hundred and sixty (260) of the public acts of eighteen hundred and ninety-five (1895)," being compiler's sections nineteen hundred and thirty *d* two (1930*d* 2) and nineteen hundred and thirty-seven (1930*d* 7), be, and the same are amended so as to read as follows:

When pauper patients returned to county, how expense provided for.

SEC. 33. Whenever the trustees shall order an indigent or pauper patient returned from the asylum to the county whence he came, the superintendents of the poor of such county, if such patient be a county charge, shall audit and pay the actual and reasonable expenses of such removal out of the county poor fund, but if any township, village, city or person be legally liable for the support of such patient, the amount of such expenses may be recovered from the township, city, village, or person so liable, for the use of the county by such superintendents of the poor. If such superintendents of the poor neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same and charge the amount to such county, and the treasurer of such county is authorized and directed to pay the same with interest after thirty days. And the board of supervisors of such county shall levy and raise the amount as other county charges are levied and raised. Whenever said trustees shall order such return, or otherwise order the release of an indigent or pauper patient, they shall give or cause to be given not less than ten nor more than thirty days' notice in writing to one of the superintendents of the poor of the county liable for the support and maintenance of such patient, and to the judge of probate of such county whence such patient was sent to such asylum, and to the guardian or some proper near relative of such patient, if the postoffice address of such guardian or relative be known, which notices shall state the date of such contemplated return or release and the reason therefor. Such notices may be served personally or by mail postpaid and properly addressed according to the best knowledge and belief of said trustees or the medical superintendent of such asylum, and the time of service shall be computed from the time when such notices shall have been deposited in some postoffice, and if after the time in said notice has expired, such patient still remains in said asylum, such patient shall be returned to the county from which he came

Notice of return to be given to superintendents of poor.

How notice is to be served.

and be placed in charge of the superintendent of the poor of said county.

SEC. 38. After sufficient room shall have been provided for all the insane wards of the State, then and thereafter it shall be illegal for county superintendents of the poor, or for any other authorities whatever, to consign to the county alms house any insane person. In case the superintendents of the asylums find it impossible to receive all patients for whom application is made, they may, in their discretion, give preference to those for whom, in their judgment, treatment is most urgently necessary. To make room for urgent cases, they are also authorized to order the removal from the asylum to his home and friends, or to the superintendent of the poor of the county whence he came, of any patient that in their judgment may safely reside outside the institution, and if such patient is not removed after the expiration of ten days from the date of said order, such patient shall be returned to his home and friends, or to the superintendent of the poor of the county from whence he came.

When illegal to consign insane to county alms house.

Preference in admission to asylums when lack of room for all.

When more room required.

Approved May 29, 1897.

[No. 178.]

AN ACT to regulate the granting of poor relief to and the admission of certain poor persons to asylums and alms houses, and to provide for the expense of the temporary care and transportation of such persons.

SECTION 1. *The People of the State of Michigan enact*, That any person who is old, sick, infirm, blind, crippled, idiotic, epileptic, insane, or otherwise incompetent to earn a livelihood at the time of such persons' entry into any county, city, village, or township in this State, or any person being otherwise competent who has not maintained himself or herself for one year after such entry, shall not be entitled to admission into any of the State asylums, or county asylums, or alms houses at the expense of the State, or the county, city, village or township aforesaid, or to receive public relief of any nature excepting such temporary care or relief as such person may require pending the return of such persons back to the county where such persons were last continuously settled for one year.

Non-resident poor persons not entitled to admission to alms houses, etc.

SEC. 2. All such persons that come from within the State, shall be transported back to the county where they were last continuously settled for one year and the expense of such care, relief and transportation shall be paid by said county, and the county advancing such expense may recover the same if payment is refused or failed to be made within sixty days by the

To be returned to last known place of residence in this State.

When superintendents of the poor to furnish transportation.

county chargeable, by an action at law in the circuit court where such expense was incurred.

SEC. 3. If any such persons have come from without the State, the superintendents of the poor, of the county where such persons may be, may furnish transportation and necessary attendance in their discretion to such persons, and the expense of the same shall be allowed by the State board of auditors, and paid by the State on properly attested vouchers from the said superintendents of the poor.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 179.]

AN ACT to authorize the incorporation of the Lutheran Bund of the State of Michigan.

May incorporate.

SECTION 1. *The People of the State of Michigan enact*, That the Lutheran Bund of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Who may execute articles of association.

SEC. 2. Any ten or more persons, residents of this State, being members of said Lutheran Bund of the State of Michigan, including the president or vice president, secretary and treasurer of said Bund, may make and execute articles of association under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds and shall set forth:

Articles to show, what.

First, The names of the persons associating in the first instance and their places of residence;

Second, The corporate name by which such Bund or association shall be known in the law;

Third, The names of the societies or associations associated together and at the time composing said Bund;

Fourth, The object and purpose of such Bund or association which shall be to promote the general welfare of the membership of such Bund and for the purpose of providing for such sick, death or funeral benefits and visitation of the sick and afflicted members of said Bund as may be from time to time provided by the constitution and by-laws thereof;

Fifth, The period for which such Bund is incorporated which shall not exceed thirty years;

Sixth, The time and place where the next convention of such Bund shall be held.

Articles, etc., to be filed with Secretary of State.

SEC. 3. Said articles of association, together with a copy of the constitution and by-laws of said Bund and of the resolution of said Bund authorizing the incorporation thereof (said copies being duly certified by the president and secretary of said

Bund) shall be filed with the Secretary of State of the State of Michigan. Thereupon the persons who shall have signed such articles of association, their associates and fellow members composing said Bund, shall be a body politic and corporate by the name expressed in such articles of association, capable of taking, holding and disposing of real and personal property, of suing and being sued, of having a common seal which may be altered or changed at their pleasure: *Provided*, That the value of such real estate shall not exceed ten thousand dollars, which shall be subject to general taxation. Such corporation shall have full power to change its constitution and by-laws and make, establish and change rules and regulations (none of which shall be repugnant to any law of this State) for regulating and governing the affairs and business of said corporation and for the admission and expulsion of members and societies composing the same and for the organization and admission of new or additional societies to membership in said Bund and to designate, elect or appoint from among the members of the societies forming and belonging to such corporation such officers, with such duties as the constitution and by-laws of such corporation may from time to time prescribe. The constitution and by-laws of said corporation may be amended from time to time in such manner as may be provided by such corporation.

Proviso as to
real estate.

May change
by-laws etc.

SEC. 4. The affairs of such corporation shall be controlled by a convention of delegates who shall be appointed or elected by the respective societies forming such corporation in such manner as the constitution and by-laws of such corporation shall provide and the number of delegates which each society is entitled to send to such conventions, and the time and place of meeting of such conventions shall be as provided by the constitution and by-laws of said corporation. Subject to the action of such convention, of delegates, the management of the affairs of said corporation may be placed in the control of such officers, trustees or other persons as may be provided by the constitution and by-laws of said corporation.

Delegate to
control cor-
poration.

SEC. 5. A copy of such articles of association and of the constitution, by-laws and resolution filed therewith or of the record thereof, duly certified to according to law under the seal of this State, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation or Bund and of the contents and legal effect of said original instruments.

Certified
copies of arti-
cles to be re-
ceived as evi-
dence by
courts.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 180.]

AN ACT to provide for the protection of the reputation and good name of certain persons.

Probate judge may issue marriage license in certain cases.

May issue license when under marriageable age.

Applications to be endorsed by physician.

Judge may perform marriage ceremony.

Judge to forward duplicate of license, where.

Secretary of State to keep private register.

When register open to examination.

SECTION 1. *The People of the State of Michigan enact*, That the probate judge of each county of this State shall have authority and it shall be his duty to issue without publicity a marriage license to any female making application to him, who makes and files with him a sworn statement that she is with child, which if born alive before her marriage will become a bastard or that she has lived with a man and has been considered as his wife, or for other good reason expressed in such sworn statement, and deemed to be sufficient by the judge of probate, desires to keep the exact date of the marriage a secret, to protect the good name of herself and the reputation of her family: *Provided*, That such judge of probate shall have authority to issue a license to persons under marriageable age, where the female is with child, or where she has been living with some man as his wife, in cases in which the application for such license is accompanied by the written request of the parents of both parties, if living, and their guardian or guardians, if either or both of the parents are dead, or by the written request of the parent of the minor where only one of the parties is under the marriageable age now fixed by the statute, when according to his judgment such marriage would be a benefit to public morals.

SEC. 2. All applications made under this act for a marriage license shall be in the usual form and shall be endorsed by the family physician of one or both parties; shall be accompanied by the sworn statement provided for in section one of this act, and by a fee of three dollars. The judge of probate is hereby authorized and empowered and it shall upon the filing of such application become the duty of such judge of probate to perform the ceremony of marriage, and he shall keep two dollars of such sum for his services and one dollar of the same shall be forwarded by him to the Secretary of State as his fee for performing the service required of him by this act.

SEC. 3. Within ten days after the marriage the judge of probate shall forward a duplicate of said license to the Secretary of State, who shall record and file such duplicate license. The Secretary of State shall keep a private register in which shall be recorded such duplicate marriage license provided for in this act, and the duplicate license sent by the judge of probate shall be kept in a private file. The register and license aforesaid shall be open to examination only upon the written order of the judge of any circuit or supreme court of this State and only for such use as is designated in such order. Such order shall be made only upon a written request of the person or persons to whom the same was issued, or when necessary to

the protection of property rights being litigated before such court arising from or affected by such marriage.

SEC. 4. All knowledge of any facts which shall come to the judge of probate, Secretary of State or their deputies or assistants, the physicians indorsing the application, or the witnesses to said marriage under the license issued pursuant to the provisions of this act shall be deemed to be privileged communications. Any violation of confidence by the judge of probate, Secretary of State or their deputies or assistants, the physician aforesaid, or the witnesses aforesaid, shall upon conviction thereof be deemed to be a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of such prosecution, and in default thereof imprisonment in the county jail not to exceed three months. Any editor, publisher or proprietor of any newspaper or publication within this State giving publicity to any license or marriage held under the provisions of this act shall upon conviction thereof be deemed guilty of a misdemeanor, and be subject to a fine of not less than fifty nor more than one hundred dollars, and the costs of prosecution and in default of the payment thereof shall be imprisoned not to exceed thirty days in the county jail, and in addition thereto such editor, publisher or proprietor shall be liable in an action of libel to the parties married under such license. In case the judge of probate performing the marriage ceremony under a license issued under this act shall neglect to make proper return he shall upon conviction thereof be fined in addition to the penalties prescribed in the general laws of this State, not to exceed fifty dollars in the discretion of the court.

Knowledge of marriage to be deemed privileged communication.

Penalty for divulging.

Penalty for publishing in newspaper.

Penalty for failing to make return by Judge of probate.

SEC. 5. All acts and parts of acts in anywise contravening any of the provisions of this act are hereby repealed.

Acts repealed.

Approved May 29, 1897.

[No. 181.]

AN ACT to prescribe and define a course of studies to be taught in the district schools of this State which shall be known as the Agricultural College course.

SECTION 1. *The People of the State of Michigan enact,* That The Superintendent of Public Instruction shall prepare for district schools a course of study, comprising the branches now required for third grade certificates, which shall be known and designated "The Agricultural College course," and upon the satisfactory completion of this course of study, as evidenced by a diploma or certificate, duly signed by the county commissioner of schools, pupils shall be admitted to the freshman

Who to prepare course of study.

College catalogue to be forwarded to school districts.

class of the Agricultural College without further examination. It shall be the duty of the secretary of the Agricultural College each year to send to each rural school district in the State a college catalogue, and upon application to furnish to such schools such other information as may be desired relative to said college. Such catalogue and other information shall be kept in each school for reference.

Approved May 29, 1897.

[No. 182.]

AN ACT to amend chapter fourteen of act number three of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," by adding six new sections thereto, to stand as sections seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two.

Chapter amended.

SECTION 1. *The People of the State of Michigan enact*, That chapter fourteen of act number three of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," be and the same is hereby amended by adding six new sections thereto, to stand as sections seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two.

When voters desire to vacate incorporation.

SEC. 17. Whenever the qualified electors of any incorporated village shall desire to vacate the incorporation of the same, the board of trustees or common council of such village, upon a petition being presented to it at any regular or special meeting, signed by at least one-fourth of the legal voters of such village as shown by the registration list of the last preceding registration held in said village, praying that the incorporation of such village may be vacated, shall, immediately thereupon, order a special meeting of the electors of such village to be held for the purpose of voting upon the question of vacating the incorporation of the same, and shall give twenty days' notice of the time and place of holding such meeting by posting up written or printed notices which shall state the object of such meeting by reciting the substance of such petition, in six of the most public places within the limits of such village.

Meeting of electors to be called by whom.

Form of ballot.

SEC. 18. At the time of holding such meeting, all persons voting in favor of vacating the incorporation of such village shall have written or printed on their ballots "In favor of vacating," and those voting against vacating the incorporation of such village shall have written or printed on their ballots,

"Against vacating;" and such meeting shall be conducted and the votes shall be canvassed in the same manner as is provided for conducting elections in such village; and in case a two-thirds majority of the qualified electors of such village shall vote in favor of vacating the incorporation of the same, the trustees or common council of such village, or a majority of them, shall, immediately thereafter, cause a transcript of all the proceedings in the case to be certified, under their hands, to the county clerk of the county in which such village or the principal part thereof is located: *Provided*, That nothing in this act contained shall authorize the qualified electors of any such incorporated village, or the board of supervisors, to vacate or alter any recorded plat of such village, or any street or alley in the same.

When election favors vacation trustees to certify same to county clerk.

Recorded plat not to be vacated.

SEC. 19. Upon receiving the transcript of the proceedings in submitting to a vote of the electors the question of vacating the incorporation of any village, properly certified to as provided in the preceding section, the county clerk shall lay the same before the board of supervisors of the county at its next regular annual meeting, and it shall thereupon be the duty of the board of supervisors to pass a resolution vacating the incorporation of such village.

Supervisors to pass resolution of vacation.

SEC. 20. Upon the vacation of the incorporation of any village, under the provisions of the preceding sections, it shall be the duty of the officers of such village to forthwith deposit all books, papers, records and files, relating to the organization of, or belonging to such village, which are in their custody as such officers, with the county clerk of the county in which such village or the principal part thereof is located, for safe keeping and reference. Upon the vacation or discontinuance of any village incorporation, under the preceding sections, the indebtedness of such village, whether bonded or otherwise, if any there be, shall be assessed, levied and collected upon the territory embraced within the boundaries of such village immediately prior to such vacation. It shall be the duty of the supervisor or supervisors of the township or townships in which the territory formerly embraced within the limits of any vacated village (within one year from the date of the vacation of such village, except when such indebtedness falls due at some specified time, in which case such assessment shall be made so as to meet such indebtedness when the same falls due), to levy upon the assessment roll or rolls of his township upon the property formerly embraced within the limits of such village, the indebtedness of such village, or such portion of the same as shall be apportioned to the part of the territory formerly constituting such village as lies within his township as hereinafter provided. The taxes so assessed and levied shall be collected the same as other taxes, and shall be placed in a separate fund and applied to the payment of such indebtedness and the manner of the payment of such indebtedness shall be fixed by the board of supervisors in the resolution to

Books, papers, etc., to be deposited with county clerk.

Indebtedness of village, how provided for.

Taxes for indebtedness to constitute separate fund.

be passed by said board vacating the incorporation of such village.

When village
is in more
than one
township.

In more than
one county.

Application of
persons desir-
ing bound-
aries changed.

To be filed
with county
clerk.

Board of
supervisors
may change
boundaries.

SEC. 21. In case the territory formerly embraced within such vacated village shall consist of territory of two or more townships in the same county, it shall be the duty of the board of supervisors to apportion, among the several townships, the amount of such indebtedness which each township shall bear; and in case such village was comprised of territory from two different counties, it shall be the duty of the boards of supervisors of the two counties to determine what portion of such indebtedness each county shall bear, using as a basis the last preceding assessment roll of such village prior to its vacation. Such indebtedness, when so apportioned, shall be assessed, levied and collected as provided in the preceding section.

SEC. 22. In case any person or persons want their property placed without the corporate limits of any village, they may make application to the board of supervisors of the county in which such village is located, to change the boundaries thereof in such manner as will place the property of the person or persons applying therefor without the corporate limits of such village. Such application shall be filed with the county clerk of each county at least ten days' prior to the annual session in October of such board of supervisors, and shall be signed by one hundred taxpayers of the village, or by one-tenth of the taxpayers of such village. Any person intending to apply to the board of supervisors to have his property placed without the corporate limits of any village shall give or cause to be given at least fifteen days' notice of such application to the clerk of said village and by posting the same in at least three conspicuous public places within such village. Upon receiving the application aforesaid, the board of supervisors shall have power, by resolution, to change the boundaries of such village, as described and mentioned in such application.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 183.]

AN ACT to provide for the appointment and to fix the term of office, duties and compensation of circuit court stenographers in the State of Michigan.

Appoint-
ment,
duties, etc.,
prescribed.

SECTION 1. *The People of the State of Michigan enact, That* hereafter the appointment, term of office, duties and compensation of stenographers for the several circuit courts in this State shall be regulated as prescribed in this act.

APPOINTMENT.

SEC. 2. Every such stenographer, whether holding office at the time this act takes effect, or hereafter to be appointed under the provisions of this act, shall hold his office during the pleasure of the Governor: *Provided*, That the court shall have power to suspend him for incompetency or misconduct; and in case of such suspension, he shall thereafter cease to hold the office of stenographer, unless by order of the court, until his suspension be rescinded. If such suspension be not rescinded within thirty days after the order of suspension, the office shall be deemed vacant.

Tenure of office.

Court may suspend.

SEC. 3. Every stenographer shall be appointed by the Governor upon the recommendation of the judge or judges of each respective circuit, and shall be deemed an officer of the court. Before entering upon the duties of his office he shall take and subscribe the constitutional oath of office, to be administered by the presiding judge of the circuit, which oath of office he shall transmit by mail or otherwise, to be filed in the office of the Secretary of State: *Provided*, No person shall be appointed stenographer for more than one judicial circuit, unless he shall personally perform the duties of stenographer in each of the circuits for which he has been appointed.

Deemed an officer of court.

Not to be appointed for more than one circuit.

SEC. 4. In case of a vacancy in the office of the stenographer from death, resignation, suspension or inability to serve, from any cause of a permanent nature, the Governor shall appoint a successor to the office upon receiving notice from the presiding judge of such vacancy and the cause thereof. Such appointment to be made upon the recommendation of the judge or judges of such circuit. But in case of the temporary absence of the stenographer he, said stenographer, shall appoint some competent person, approved by the judge, to act as stenographer *pro tempore*, who shall be paid by the stenographer in whose place he acts.

When vacancy occurs.

When temporarily absent.

ASSISTANT AND ADDITIONAL STENOGRAPHERS.

SEC. 5. Every stenographer may, subject to the approval of the circuit judge, appoint one or more assistants, who shall take and file the oath of office as prescribed in section three, and shall have power to act in the place of said stenographer, and whose compensation shall be paid by the stenographer. The stenographer or the circuit judge shall have power to revoke such appointment at any time.

Assistant stenographers, how appointed.

SEC. 6. In any circuit in this State the Governor shall from time to time appoint, on the recommendation of the judge or judges thereof, as many additional stenographers as there are additional judges in said circuit, which stenographers shall qualify in like manner, hold office for the same term, and per-

Additional stenographers.

Temporary
assistants.

form like duties as other stenographers. Whenever the judge of any circuit court of this State shall deem it necessary for the dispatch of business of said court, he may authorize the stenographer thereof to employ one or more temporary assistants who shall receive compensation to be paid by the county, the judge of said court certifying to the reasonableness thereof.

Duty of
stenogra-
phers.

SEC. 7. It shall be the duty of each circuit court stenographer to attend upon the court at each term, under the direction of the judge thereof, and take full stenographic notes of the testimony, and charge to the jury in the trial of each issue of fact before the court or jury.

Idem.

SEC. 8. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case, shall prefix to his notes of the testimony of each witness the full name of each witness, and the date the testimony was taken, and at the conclusion of the trial of said cause, he shall securely attach together all of his notes taken in said cause, and properly entitle them upon the outside, and safely keep the same in his office. In the event of his death, or resignation, or removal from office or from this State, the stenographer's notes in each cause shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same, subject to the direction of the circuit court for the county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as records in said cause.

Stenogra-
pher's notes
part of record.

Copies to be
furnished.

SEC. 9. It shall also be the duty of each stenographer to furnish without delay, in legible English, copies of the notes taken by him or any part thereof, to any party who may request the same, for which he shall be entitled to demand and receive per folio the compensation hereinafter prescribed.

To file copy of
notes when so
directed.

SEC. 10. In case the circuit judge shall order the same, it shall be the duty of the stenographer to make and file in the clerk's office a copy of his notes in any civil case or any part thereof, without expense to either party, which copy shall be deemed a part of the records in the case.

In criminal
cases when
request is
made.

SEC. 11. In any criminal case the court may, on the request of the prosecuting attorney, or of counsel for the defense order the stenographer to make, and the stenographer shall thereupon make and file in the clerk's office, to become a part of the official record in the case, a transcript of the notes taken in the case, or any part thereof, to be paid for by the county at the rate hereinafter prescribed.

COMPENSATION.

Compensa-
tion, how
paid.

SEC. 12. The stenographer of each circuit shall receive as compensation for his services such salary as is hereinafter specified, payable in monthly installments out of the treasury or treasuries of the county or counties composing the circuit of

which he is the stenographer, upon the order of the clerk of the court, or board of county auditors, who are hereby authorized and required to draw such orders, and the county treasurer to pay the same upon presentation.

SEC. 13. In every circuit composed of more than one county, unless some other method of apportionment is prescribed in this act to make up the salary of the stenographer, each board of supervisors in the circuit shall appropriate annually such proportion of the amount of the salary as shall be assigned to it, by the circuit judge, in proportion to the number of suits at law and in chancery, entered and commenced in the circuit courts for such counties respectively during the preceding year. And it shall be the duty of the circuit judge of each circuit composed of more than one county, on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit, on the basis aforesaid, and to notify the clerk of each county in the circuit of the proportion to be paid by such county. In case there is but one county in a circuit the salary of the stenographer shall be paid out of the treasury of such county in the manner above provided.

Compensation
when divided,
how deter-
mined.

SEC. 14. In the first circuit, the stenographer shall be paid an annual salary of sixteen hundred dollars.

First circuit.

SEC. 15. In the second circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

Second
circuit.

SEC. 16. In the third circuit, the stenographer of each division of said court shall be paid an annual salary of two thousand dollars.

Third circuit.

SEC. 17. In the fourth circuit, the stenographer shall be paid an annual salary of eighteen hundred dollars.

Fourth
circuit.

SEC. 18. In the fifth circuit, the stenographer shall be paid an annual salary of two thousand dollars.

Fifth circuit.

SEC. 19. In the sixth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

Sixth circuit.

SEC. 20. In the seventh circuit, the stenographer shall be paid an annual salary of twelve hundred dollars.

Seventh
circuit.

SEC. 21. In the eighth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

Eighth
circuit.

SEC. 22. In the ninth circuit, the stenographer shall be paid an annual salary of eighteen hundred dollars.

Ninth circuit.

SEC. 23. In the tenth circuit, the stenographer of each division of said court shall be paid an annual salary of fifteen hundred dollars.

Tenth circuit.

SEC. 24. In the eleventh circuit, the stenographer shall be paid an annual salary of two thousand dollars.

Eleventh
circuit.

SEC. 25. In the twelfth circuit the stenographer shall be paid an annual salary of eighteen hundred dollars.

Twelfth
circuit.

SEC. 26. In the thirteenth circuit, the stenographer shall be paid an annual salary of eighteen hundred dollars.

Thirteenth
circuit.

SEC. 27. In the fourteenth circuit, the stenographer shall be paid by the county of Muskegon an annual salary of fifteen

Fourteenth
circuit.

hundred dollars, and the county of Oceana shall pay ten dollars per diem for each day's attendance upon court.

Fifteenth circuit.

SEC. 28. In the fifteenth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

Sixteenth circuit.

SEC. 29. In the sixteenth circuit, the stenographer shall be paid an annual salary of nine hundred dollars.

Seventeenth circuit.

SEC. 30. In the seventeenth circuit, the stenographer of each division of said court shall be paid an annual salary of two thousand dollars.

Eighteenth circuit.

SEC. 31. In the eighteenth circuit, the stenographer shall be paid an annual salary of eighteen hundred dollars.

Nineteenth circuit.

SEC. 32. In the nineteenth circuit, the stenographer shall be paid an annual salary of sixteen hundred dollars.

Twentieth circuit.

SEC. 33. In the twentieth circuit, the stenographer shall be paid an annual salary of nine hundred dollars.

Twenty-first circuit.

SEC. 34. In the twenty-first circuit, the stenographer shall receive an annual salary of one thousand dollars.

Twenty-second circuit.

SEC. 35. In the twenty-second circuit, the stenographer shall be paid an annual salary of sixteen hundred dollars.

Twenty-third circuit.

SEC. 36. In the twenty-third circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars, apportioned as follows: By the county of Iosco, nine hundred dollars per annum, by the county of Alcona, three hundred dollars per annum, and by the county of Oscoda, three hundred dollars per annum.

Twenty-fourth circuit.

SEC. 37. In the twenty-fourth circuit, the stenographer shall be paid an annual salary of sixteen hundred dollars.

Twenty-fifth circuit.

SEC. 38. In the twenty-fifth circuit, the stenographer shall be paid an annual salary of two thousand dollars.

Twenty-sixth circuit.

SEC. 39. In the twenty-sixth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars, apportioned as follows: By the county of Alpena, one thousand dollars per annum; by the county of Presque Isle, two hundred fifty dollars per annum; and by the county of Montmorency, two hundred fifty dollars per annum.

Twenty-seventh circuit.

SEC. 40. In the twenty-seventh circuit, the stenographer shall be paid an annual salary of twelve hundred dollars.

Twenty-eighth circuit.

SEC. 41. In the twenty-eighth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

Twenty-ninth circuit.

SEC. 42. In the twenty-ninth circuit, the stenographer shall be paid an annual salary of sixteen hundred dollars.

Thirtieth circuit.

SEC. 43. In the thirtieth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

Thirty-first circuit.

SEC. 44. In the thirty-first circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

Thirty-second circuit.

SEC. 45. In the thirty-second circuit, the stenographer shall be paid an annual salary of sixteen hundred dollars.

Thirty-third circuit.

SEC. 46. In the thirty-third circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

Thirty-fourth circuit.

SEC. 47. In the thirty-fourth circuit, the stenographer shall be paid an annual salary of fifteen hundred dollars.

SEC. 48. In the thirty-fifth circuit, the stenographer shall be paid an annual salary of twelve hundred dollars. Thirty-fifth circuit.

SEC. 49. The circuit court stenographers shall be entitled to demand and receive per folio for transcripts ordered by either party to a cause the sum of eight cents per folio, unless a lower rate be agreed upon. For transcripts ordered by the circuit judge as provided in sections ten and eleven of this act, stenographers shall be entitled to receive from the county the compensation hereinbefore specified. In case the transcript is desired for the purpose of moving for a new trial, preparing a bill of exceptions, or removing the cause to the supreme court, the amount of stenographer's fees paid therefor shall be recovered as a part of the taxable costs by the prevailing party in such motion, or in the supreme court. Transcripts, compensation for.
Transcripts part of taxable costs, when.

SEC. 50. In the counties of Wayne and Kent, the county auditors shall provide a suitable office for the use of said stenographers, contiguous to the office of the clerk of said county. Certain counties to provide office.

MISCELLANEOUS PROVISIONS.

SEC. 51. In each and every issue of fact tried and contested before the court or jury in which the stenographer shall be employed, there shall be taxed three dollars, the same to be paid by the plaintiff in the suit, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him into the county treasury, to apply to the credit of the general expense fund, and if the plaintiff shall prevail in the suit the amount so paid by him shall be taxed in his costs as proper disbursements. Plaintiff to be taxed when testimony is commenced.

SEC. 52. In cases tried in the circuit courts in which such stenographers shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice of charging or instructing juries, and in settling the law in cases tried in the circuit court," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply. Certain act not to apply.

SEC. 53. All acts or parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

Approved May 29, 1897.

[No. 184.]

AN ACT to permit foreign railroad companies to hold and own certain land in this State, to confirm conveyances of such land to other foreign railroad companies in certain conditions, and to authorize the recording of a copy of agreements by which such conveyances have been or may be hereafter made.

Foreign railway companies may hold land for station purposes.

Proviso as to limitations.

When lands are transferred deeds to be deemed effective.

Certified copies entitled to record.

SECTION 1. *The People of the State of Michigan enact*, That it shall be permissible for any foreign railway company which shall have heretofore purchased land in this State, or which may hereafter purchase land necessary and actually used for station and yard purposes, to be used to facilitate and accommodate its business of receiving and delivering passengers and freight that it may transport from and to this State, to hold and own such land and all buildings and other structures that it may place thereon, in like manner and effect as if such company were duly incorporated under the laws of this State: *Provided*, That said company shall hold such land and use the same subject to all the limitations, obligations and duties to the public and to individuals which are or at any time hereafter may be imposed upon railway companies by the laws of this State.

SEC. 2. When any foreign railway company which has heretofore purchased land for the use specified in the preceding section of this act, or may hereafter purchase land for such use, and its railroad and other property in the State or country of its organization, have subsequently become merged or vested in any other foreign railway company, by virtue of a sale and conveyance thereof made in pursuance of judicial decree; or its railroad and other property situated in such foreign state or country has or shall have become vested in another foreign company by virtue of a formal written agreement made and executed in pursuance of the law of such foreign state or country, the deed of conveyance and said agreement shall be deemed effective to transfer title to said land in this State pursuant to the terms thereof in that behalf; and when such transfer has been or shall be effected by written agreement a copy thereof duly certified as a correct and perfect copy by the secretary of the company acquiring the same, under the seal of the company, shall be entitled to record in the county where said land is situated, notwithstanding that the execution of the agreement may not have been in conformity with the general statutory requirement for conveyance of land in this State.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 185.]

AN ACT to provide for the publication of the proceedings of the annual school meeting, and an annual financial statement in graded school districts in which a newspaper is published, and to provide for the expense thereof, and fixing a penalty for failure to make such publication.

SECTION 1. *The People of the State of Michigan enact*, That previous to the third Monday in September of every year, the board of education, or board of trustees, as the case may be, of any graded school district in this State in which one or more newspapers are published, shall cause to be published in a newspaper published in said district, and designated by said board, also a full and itemized financial statement of the receipts and expenditures of said districts during the preceding school year, the expense of said publication to be paid out of the general fund of the district. Publication of proceedings, etc., required.

SEC. 2. If any board of education, or board of trustees, as the case may be, shall neglect to comply with the provisions of this act, each member of any such board shall forfeit the sum of ten dollars. Penalty for failure to publish.

Approved May 29, 1897.

[No. 186.]

AN ACT defining the limits of the judicial circuits of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the State shall be subdivided into thirty-five judicial circuits to be numbered consecutively from one to thirty-five, and composed of the following counties, to wit: Division of State into circuits.

SEC. 1. The first circuit shall be composed of the counties of Lenawee and Hillsdale.

SEC. 2. The second circuit shall be composed of the counties of Berrien and Cass.

SEC. 3. The third circuit shall be composed of the county of Wayne.

SEC. 4. The fourth circuit shall be composed of the county of Jackson.

SEC. 5. The fifth circuit shall be composed of the counties of Barry, Calhoun and Eaton.

SEC. 6. The sixth circuit shall be composed of the counties of Lapeer and Oakland.

SEC. 7. The seventh circuit shall be composed of the county of Genesee.

SEC. 8. The eighth circuit shall be composed of the counties of Ionia and Montcalm.

SEC. 9. The ninth circuit shall be composed of the counties of Kalamazoo and Van Buren.

SEC. 10. The tenth circuit shall be composed of the county of Saginaw.

SEC. 11. The eleventh circuit shall be composed of the counties of Chippewa, Schoolcraft, Luce and Alger.

SEC. 12. The twelfth circuit shall be composed of the counties of Baraga, Houghton and Keweenaw.

SEC. 13. The thirteenth circuit shall be composed of the counties of Antrim, Charlevoix, Grand Traverse and Leelanau.

SEC. 14. The fourteenth circuit shall be composed of the counties of Muskegon and Oceana.

SEC. 15. The fifteenth circuit shall be composed of the counties of Branch and St. Joseph.

SEC. 16. The sixteenth circuit shall be composed of the county of Macomb.

SEC. 17. The seventeenth circuit shall be composed of the county of Kent.

SEC. 18. The eighteenth circuit shall be composed of the county of Bay.

SEC. 19. The nineteenth circuit shall be composed of the counties of Lake, Manistee, Mason and Osceola.

SEC. 20. The twentieth circuit shall be composed of the counties of Allegan and Ottawa.

SEC. 21. The twenty-first circuit shall be composed of the counties of Clare, Isabella and Midland.

SEC. 22. The twenty-second circuit shall be composed of the counties of Monroe and Washtenaw.

SEC. 23. The twenty-third circuit shall be composed of the counties of Alcona, Iosco and Oscoda.

SEC. 24. The twenty-fourth circuit shall be composed of the counties of Huron, Sanilac and Tuscola.

SEC. 25. The twenty-fifth circuit shall be composed of the counties of Marquette, Delta, Menominee, Iron and Dickinson.

SEC. 26. The twenty-sixth circuit shall be composed of the counties of Alpena, Presque Isle and Montmorency.

SEC. 27. The twenty-seventh circuit shall be composed of the counties of Mecosta and Newaygo.

SEC. 28. The twenty-eighth circuit shall be composed of the counties of Kalkaska, Missaukee, Wexford and Benzie.

SEC. 29. The twenty-ninth circuit shall be composed of the counties of Gratiot and Clinton.

SEC. 30. The thirtieth circuit shall be composed of the county of Ingham.

SEC. 31. The thirty-first circuit shall be composed of the county of St. Clair.

SEC. 32. The thirty-second circuit shall be composed of the counties of Gogebic and Ontonagon.

SEC. 33. The thirty-third circuit shall be composed of the counties of Mackinac, Emmet [and] Cheboygan.

SEC. 34. The thirty-fourth circuit shall be composed of the counties of Arenac, Crawford, Gladwin, Ogemaw, Roscommon and Otsego.

SEC. 35. The thirty-fifth circuit shall be composed of the counties of Shiawassee and Livingston.

SEC. 36. All acts or parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

Approved May 29, 1897.

[No. 187.]

AN ACT to amend section seven of article two of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning and [operating] operate any railroads in this State," approved May first, eighteen hundred and seventy-three, as amended, being compiler's section three thousand three hundred and twenty-one of Howell's annotated statutes of the State of Michigan, as amended by act number one hundred and seventy-four of the public acts of eighteen hundred and eighty-three, and act number two hundred and thirty-six of the public acts of eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact,* That section seven of article two of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning and operating any railroads in this State," approved May first, eighteen hundred and seventy-three, as amended, being compiler's section three thousand three hundred and twenty-one of Howell's annotated statutes of the State of Michigan, as amended by act number one hundred and seventy-four of the public acts of eighteen hundred and eighty-three, and act number two hundred and thirty-six of the public acts of eighteen hundred and eighty-seven, be amended so as to read as follows: Section amended. ;

SEC. 7. Every such company proceeding to construct a part of its road into or through any county named in its articles of association, or which shall have been so constructed, shall Map of route to be filed in office of register of deeds.

When proposed route crosses another railroad.

When map approved or disapproved.

Change of route.

Compensation of certain members of board.

make a map of such part of the route intended to be adopted by such company, or which shall have been adopted, giving also the location of the points selected for crossing any other railroad, which shall be certified by a majority of the directors and approved by a board consisting of the Commissioner of Railroads, Attorney General and Secretary of State, and filed in the office of the register of deeds of such county. If such route cross the road of any other railroad company said board shall give at least ten days' notice to the general manager or general superintendent of such other company when and where said board will consider the question of approving such map, and shall permit such other company, if it so desire, to be heard in opposition to such approval, and at the time of approving said map said board may determine the place where and the manner in which said crossing shall be made, whether at grade or otherwise, and if at grade, what safeguards shall be provided by the company desiring to make such crossing to protect against accidents thereat. The said board shall approve such map within thirty days from the time it is presented to it by said company, or within the said thirty days shall file in the office of the Commissioner of Railroads written reasons for the disapproval of said map, or any part thereof, and serve a copy of said reasons upon said company. The route so adopted, or any part thereof, may be changed by the company as often as found expedient before it has fully completed its road thereon: *Provided*, That any such change shall be approved by said board and a new map showing the new route adopted shall be made, certified, approved and filed as aforesaid: *And provided further*, That two members of said board, of which the Commissioner of Railroads shall be one, shall constitute a quorum for the transaction of business: *And provided further*, That the Secretary of State and Attorney General, when serving as members of said board or board of consolidation, as provided for by this act shall receive five dollars per day and expenses incurred while actually engaged in such services, including the expense of clerk hire in each case, which shall not exceed five dollars and expenses per day, to be paid for by the railroad companies interested therein.

Approved May 29, 1897.

[No. 188.]

AN ACT to amend section nineteen of chapter one hundred and fifty-three of the revised statutes of eighteen hundred and forty-six, relative to offenses against property, being compiler's section nine thousand ninety-three, Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section nineteen of chapter one hundred and fifty-three of the

revised statutes of eighteen hundred and forty-six relative to offenses against property, being compiler's section nine thousand ninety-three of Howell's annotated statutes, be and the same is hereby amended to read as follows:

SEC. 9093. If any person shall either orally or by a written or printed communication maliciously threaten to accuse another of any crime or offense, or shall orally or by any written or printed communication maliciously threaten any injury to the person or property of another with intent thereby to extort money, or any pecuniary advantage whatever, or with intent to compel the person so threatened, to do or refrain from doing any act against his will, he shall be punished by imprisonment in the State prison or in the county jail not more than two years or by a fine not exceeding one thousand dollars, in the discretion of the court.

Malicious threats to extort money, etc.

Penalty.

Approved May 29, 1897.

[No. 189.]

AN ACT to amend chapter forty-five of the revised statutes of the State of Michigan of eighteen hundred and forty-six entitled "Firing of woods and prairies," the same being chapter three hundred and twenty-eight of Howell's annotated statutes, by adding three new sections thereto, the same to stand as sections four, five and six of said chapter.

SECTION 1. *The People of the State of Michigan enact,* That chapter forty-five of the revised statutes of eighteen hundred and forty-six entitled "Firing of woods and prairies," the same being chapter three hundred and twenty-eight of Howell's annotated statutes, be and the same is hereby amended by adding three new sections thereto to stand as sections numbers nine thousand four hundred and four *a*, nine thousand four hundred and four *b*, and nine thousand four hundred and four *c* of said Howell's annotated statutes, and to read as follows:

Chapter amended.

Sections added.

SEC. 9404*a*. (SEC. 4.) The township boards of the several townships of this State are hereby authorized and it shall be their duty to prohibit the setting of forest fires or fires for the purpose of clearing lands, and disposing by burning, of refuse material and waste matter within their respective jurisdictions, whenever, in the judgment of a majority of the members of each of said boards, it shall be deemed necessary to prevent the spreading of such fires over the territory of such township, or any part thereof. Each of such boards may make such rules and regulations as they may deem proper for the purpose of carrying this act into effect, which rules and regulations shall be published by posting notices thereof, together with a

Township boards to prohibit setting of fires.

Boards to make rules.

copy of this act, in five of the most public places in such township.

Penalty for violation of order.

SEC. 9404b. (SEC. 5.) Whenever in pursuance of the authority hereby given, any township board shall designate a period during which it shall be unlawful to set such fires, any person who shall be found guilty of violating the order of such board by setting any such fire in such township contrary to the provisions of any section of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the same punishment as is prescribed in section one of this

Permission to burn refuse, how obtained.

chapter: *Provided*, That any person desiring to dispose of refuse material by burning the same during the time prohibited by the board of such township, may do so after first procuring permission in writing, signed by the supervisor and township clerk, or by a majority of such township board, and the said supervisor and township clerk, or a majority of the said board, are hereby authorized to grant such permission, in their discretion, under such conditions as they may prescribe, upon application, made, in writing, for such purpose: *Provided, further*, That said board is hereby authorized at any time to repeal by resolution any action theretofore taken by them under the provisions of this act.

Board may repeal order.

Notice to resident owners.

SEC. 9404c. (SEC. 6.) Hereafter it shall be the duty of every person residing north of parallel forty-four of north latitude before setting fire for any of the above mentioned purposes, to serve a notice in writing on every resident owner or occupant of lands or grounds immediately adjoining the tract upon which such fires are to be set, at least one full day previous to the setting of such fires, personally, or by leaving the same at the residence of such adjoining owner or occupant, in the presence of some member of the family of suitable age and discretion, who shall be informed of the contents, and neglecting to give such notice shall be deemed *prima facie* evidence of negligence on the part of the person so offending.

Approved May 29, 1897.

[No. 190.]

AN ACT to make an appropriation for building one detached hospital building for acute female patients, for the construction of a hose house and laboratory building, for additional fire protection, at the Michigan Asylum for the Insane, at Kalamazoo.

Appropriation, for what purposes.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated out of the State treasury to the Michigan Asylum for the Insane the sum of twenty-

three thousand four hundred dollars to be expended as follows: For one detached hospital building for acute and curable female patients, to contain not less than forty beds nineteen thousand dollars; for the construction of a hose house, laboratory and mortuary building combined, one thousand four hundred dollars; for the construction of fire walls and conducting ventilating pipes out through the roof and other fire protection at the male and female departments of the asylum, three thousand dollars.

SEC. 2. The money appropriated hereby may be drawn from the State treasury on the warrant of the Auditor General in such sums and at such times as shall be made to appear necessary. The sums thus appropriated shall be expended only for the purposes specified in this act, and their receipts and disbursements shall be accounted for by duplicate vouchers in monthly accounts current and abstracts, as provided for by act one hundred forty-eight, of the laws of eighteen hundred seventy-three, and as amended by act one hundred forty-six of eighteen hundred and ninety-one.

How appropriation may be drawn.

SEC. 3. The Auditor General is hereby authorized to incorporate the sum of eleven thousand seven hundred dollars in the State tax for the year eighteen hundred and ninety-seven, and eleven thousand seven hundred dollars in the State tax for the year eighteen hundred and ninety-eight, and when collected place the same to the credit of the general fund.

To incorporate in State tax.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 191.]

AN ACT making an appropriation for making improvements and furnishings for the Upper Peninsula Prison at Marquette.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated out of the State treasury the sum of thirty-seven hundred dollars, which shall be expended for the following purposes: Two hundred dollars for library purposes, two thousand dollars for the installation of pumping station and water filter for water supply, fifteen hundred dollars for general repairs. Which said money provided for in this act, or such portion thereof as may be necessary, shall be expended under the direction of the board of control of such prison for the purposes as aforesaid and shall be drawn from the treasury on the presentation of the proper certificate of said board of control to the Auditor General and on his warrant to the State Treasurer.

Appropriation for what purposes.

To be expended by board of control.

To be incorporated in State tax.

SEC. 2. There shall be assessed upon the taxable property of this State, in the year one thousand eight hundred and ninety-seven, the sum of thirty-seven hundred dollars to be assessed and levied in like manner as other taxes are assessed, levied and paid, which tax when collected shall be paid and credited to the general fund to reimburse said fund for the sum appropriated by this act.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 192.]

AN ACT to amend act number two hundred and sixty-four of the public acts of eighteen hundred and eighty-nine, entitled "An act relative to disorderly persons and to repeal chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, as amended by the several acts amendatory thereof," by adding a new section thereto to stand as section seven.

Act amended. SECTION 1. *The People of the State of Michigan enact,* That act number two hundred and sixty-four of the public acts of eighteen hundred and eighty-nine, entitled "An act relative to disorderly persons and to repeal chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, as amended by the several acts amendatory thereof," be and the same is hereby amended by adding a new section to stand as section seven and to read as follows:

Prisoners to perform manual labor.

SEC. 7. All male persons over sixteen years of age convicted under the provisions of this act who have sufficient physical ability and who are sentenced for ten days or more to any of the county jails in the upper peninsula shall be sentenced to perform hard manual labor during such term of imprisonment: *Provided,* That no person shall be employed upon the public highway while serving sentence under this act.

Not to be employed on highway.

Approved May 29, 1897.

[No. 193.]

AN ACT to amend chapter one hundred and fifty-four of the revised statutes of eighteen hundred and forty-six, being chapter two hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, relative to offenses against property, by adding thereto a new section to stand as section eighteen *a*.

SECTION 1. *The People of the State of Michigan enact,* That chapter one hundred and fifty-four of the revised statutes of eighteen hundred and forty-six, being chapter two hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, relative to offenses against property, be and the same is hereby amended by adding thereto a new section to stand as section eighteen *a*, and to read as follows: Chapter amended.

SEC. 18*a*. All male persons over sixteen years of age convicted under the foregoing section who have sufficient physical ability and who are sentenced, for ten days or more, to any of the county jails in the upper peninsula shall be sentenced to perform hard manual labor during such term of imprisonment: Prisoners to perform manual labor.
Provided, That no person shall be employed upon the public highway while serving sentence under this act. Not to be employed on highway.

Approved May 29, 1897.

[No. 194.]

AN ACT making an appropriation for the support of the State Public School for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight; for making improvements and repairs at that institution, and to provide a tax for the same.

SECTION 1. *The People of the State of Michigan enact,* That the sum of thirty-one thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and ninety-seven, and the further sum of thirty-one thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and ninety-eight, and that the further sum of two thousand seven hundred sixty-seven dollars be and the same is hereby appropriated out of the general fund for the purpose of making such actual and necessary improvements and repairs upon the buildings, and on the grounds of the said State Public School as the board of control in its judgment may deem expedient. Appropriation for current expenses and repairs.

To be paid to
board of
control.

SEC. 2. The general sum appropriated by the provisions of this act shall be passed to the credit of the State Public School, and paid to the board of control of that institution or to its treasurer, at such times and in such amounts and manner as is now provided by law and this act, and as may be made to appear to the Auditor General to be necessary.

To be incor-
porated in
State tax.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-seven the sum of thirty-three thousand seven hundred sixty-seven dollars, and for the year eighteen hundred and ninety-eight the sum of thirty-one thousand dollars, to be assessed, levied and collected; which sums when collected shall be passed to the credit of the general fund to reimburse it for the sums appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 195.]

AN ACT to provide for bringing actions of assumpsit in certain cases, and to provide that in such cases the cause of action shall survive.

When action
of assumpsit
may be
brought.

SECTION 1. *The People of the State of Michigan enact*, That in all cases where, by the fraudulent representations or conduct of any person, an injury has been or shall be produced, either to the person, property or rights of another, for which an action on the case for fraud or deceit may by law be brought, an action of assumpsit may be brought to recover damages for such injury, and in all such cases a promise shall be implied by law to pay all just damages arising from such fraud or deceit, and may be so declared upon.

Cause of
action to
survive
death.

SEC. 2. The causes of action specified in section one of this act shall, upon the death of the person injured, survive to his personal representatives.

Approved May 29, 1897.

[No. 196.]

AN ACT making appropriations for the current expenses of the Michigan State Normal School for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, and for added library facilities and heating plant.

Appropriation
for current
expenses.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer shall transfer from the general fund to the Normal School interest fund the sum of sixty-two thousand

one hundred and fifty dollars for the year eighteen hundred and ninety-seven, and the sum of sixty-one thousand one hundred and fifty dollars for the year eighteen hundred and ninety-eight, which sums are hereby appropriated for the current expenses of the State Normal School for the years above named and shall be drawn from the treasury on the presentation of properly certified requisitions of the State Board of Education to the Auditor General, and on his warrant to the State Treasurer.

SEC. 2. That there be and the same is hereby appropriated cut of the general fund in the State treasury for the year eighteen hundred and ninety-eight, the sum of fifteen hundred dollars for the purpose of making necessary changes in the Normal School buildings for added library facilities and the sum of ten thousand dollars for the purpose of providing a central heating plant, which total sum of eleven thousand five hundred dollars shall be drawn from the treasury on the presentation of properly certified requisitions of the State Board of Education to the Auditor General and on his warrant to the State Treasurer. Appropriation for special purposes.

SEC. 3. The Auditor General shall incorporate in the State tax for the year eighteen hundred and ninety-seven, the sum of seventy-three thousand six hundred and fifty dollars, and in the State tax for the year eighteen hundred and ninety-eight, the sum of sixty-one thousand one hundred and fifty dollars, which tax, when collected, shall be credited to the general fund to reimburse the same for the sums to be drawn therefrom, as provided in sections one and two of this act. To be incorporated in State tax.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 197.]

AN ACT to amend section twenty-seven of chapter eighty-four of the revised statutes of eighteen hundred and forty-six as amended by act two hundred and fifty-five of the session laws of eighteen hundred and sixty-five, and act number forty-four of the session laws of eighteen hundred and seventy-seven, being compiler's section six thousand two hundred and forty-seven of Howell's annotated statutes of Michigan relative to divorce.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-seven of chapter eighty-four of the revised statutes of eighteen hundred and forty-six as amended by act number two hundred and fifty-five of the session laws of eighteen hundred and sixty-five and act number forty-four of the Section amended.

session laws of eighteen hundred and seventy-seven, being compiler's section six thousand two hundred and forty-seven of Howell's annotated statutes of Michigan relative to divorce, be and the same is hereby amended to read as follows:

Alimony to
constitute lien
on real estate.

Court may
decree sale of
property.

Court may
decree divi-
sion of real
estate.

SEC. 27. (6247.) In all cases where alimony or allowance for the support and education of minor children shall be decreed to the wife, the amount thereof shall constitute a lien upon such of the real and personal estate of the husband as the court by its decree shall direct, and in default of payment of the amount so decreed the court may decree the sale of the property against which such lien is decreed in the same manner and upon like notice as in suits for the foreclosure of mortgage liens; or the court may award execution for the collection of the same, or the court may sequester the real and personal estate of the husband and may appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate to be applied to the payment thereof or the court in lieu of a money allowance may decree such a division between the husband and wife of the real and personal estate of the husband or of the husband and wife by joint ownership or right as he shall deem to be equitable and just.

Approved May 29, 1897.

[No. 198.]

AN ACT to create a Board of Commissioners for the purpose of securing for use in certain of the common or primary schools of the State of Michigan a uniform series of text-books, to fix the maximum price to be charged for said books and to make an appropriation for carrying out the provisions of this act.

Board of Com-
missioners to
make selec-
tion of books.

Books not to
be partisan,
etc.

Material,
style, etc., of
books.

SECTION 1. *The People of the State of Michigan enact*, That the State Board of Education, together with three county school commissioners to be appointed by the Governor and to serve for the term of five years, shall constitute a Board of Commissioners for the purpose of making a selection or procuring the compilation for use in the common or primary schools of the State of Michigan of a series of text-books in the following branches of study: Spelling, reading, arithmetic, geography, English grammar, physiology, history of the United States, civil government of the United States and civil government of Michigan, algebra, physics, and a graded system of writing books: *Provided*, That none of said text-books shall contain anything of a partisan or sectarian character: *And, provided further*, That the foregoing books shall be at least equal in size and quality as to matter, material, style of binding

and mechanical execution to the following text-books now in general use, namely: The speller to Harrington's spelling book, the readers to Swinton's readers, the arithmetics to Milnes' arithmetics, the geographies to Frye's geographies, the grammars to Hyde's grammars, the physiology to Hutchinson's physiologies, the histories to Fisk's histories of the United States, the civil government to Thorpe-King's civil government of the United States and to Thorpe-King's civil government of Michigan, the algebra to Wentworth's algebras, the physics to Gage's physics, and the writing books to the Eclectic copy books.

SEC. 2. The said Board of Commissioners shall, immediately after January first, [1899], eighteen hundred and ninety-nine, advertise for twenty-one consecutive days in two daily papers published in this State, having the largest circulation, and in one newspaper of general circulation in each of the cities, New York, Philadelphia, Cincinnati, Chicago and St. Louis, that at a time and place to be fixed by said notice, and not later than six months after the first publication thereof, said board will receive sealed proposals on the following:

Board to advertise for proposals, when.

First, From publishers of school text-books, for furnishing books for use in the common or primary schools of this State, as provided in this act, for a term of five years, stating specifically in such bid the price at which each book will be furnished, and accompanying such bid with copies of each and all books proposed to be furnished in such bid;

For furnishing books.

Second, From the authors of school text-books who have manuscripts of books not published, for prices at which they will sell their manuscripts, together with the copyright of such books for use in the public schools of the State of Michigan;

For manuscript of books.

Third, From persons who are willing to undertake the compilation of a book or books or a series of books, as provided for in section one of this act, the price at which they are willing to undertake such compilation of any or all such books, to the satisfaction of and acceptance of the said Board of Commissioners:

For compilation of books.

Provided, That any and all bids by publishers, herein provided for, must be accompanied by a bond in the penal sum of fifty thousand dollars, with surety, to the acceptance and satisfaction of the Governor of this State, conditioned that if any contract be awarded to any bidder hereunder, such bidder will enter into a contract to perform the conditions of his bid to the acceptance and satisfaction of said board:

Bids to be accompanied by bond.

And provided further, That no bid shall be considered unless the same shall be accompanied by the affidavit of the bidder that he is in no wise, directly or indirectly, connected with any other publisher or firm who is now bidding for books submitted to such board, nor has any pecuniary interest in any other publisher or firm bidding at the same time and that he is not a party to any compact, syndicate or other scheme whereby the benefits of competition are denied to the people

Affidavit of bidder to contain what.

Board shall accept gift of manuscript, when.

Bids may be rejected.

Board to examine proposals.

Price at which books must be furnished.

Proposals for publishing when manuscript accepted.

of this State: *And be it further provided*, That if any competent author or authors shall compile any one or more books of the first order of excellence and shall offer the same as a free gift to the people of this State, together with the copyright of the same and the right to manufacture and sell such works in the State of Michigan for use in the public schools, it shall be the duty of such Board of Commissioners to pay no money for any manuscript for such book or books on the subject treated of in the manuscript so donated; and such board shall have the right to reject any and all bids and at their option such board shall have the right to reject any bid as to a part of such books, and to accept the same as to the residue thereof.

SEC. 3. It shall be the duty of such board to meet at the time and place mentioned in such notice, and open and examine all sealed proposals received pursuant to the notice provided for in section two of this act, and it shall be the further duty of such board to make a full, complete and true investigation of all such bids or proposals, and to ascertain under which of said proposals or propositions the school books can be furnished to the people of this State for use in the common schools at the lowest price, taking into consideration the size and quality as to matter, material, style of binding, and mechanical execution of such books: *Provided always*, That such board shall not, in any case, contract with any author, publisher or publishers for the furnishing of any book, manuscript, copyright or books, which shall be sold to the people for use in the public schools of this State at a price above or in excess of the following, which shall include a profit to the retail dealers in such books of twenty (20) per cent, namely: for a spelling book, fifteen (15) cents; for a first reader, fifteen (15) cents; for a second reader, twenty-five (25) cents; for a third reader, thirty-five (35) cents; for a fourth reader, forty-five (45) cents; for a fifth reader, sixty (60) cents; for an arithmetic, intermediate, thirty (30) cents; for an arithmetic, complete, forty-five (45) cents; for a geography, primary, thirty-five (35) cents; for a geography, complete, ninety (90) cents; for an English grammar, elementary, twenty-five (25) cents; for an English grammar, complete, fifty-five (55) cents; for a primary physiology, twenty-five (25) cents; for a higher physiology, seventy-five (75) cents; for an elementary history of the United States, thirty (30) cents; for a complete history of the United States, seventy-five (75) cents; for a civil government of the United States, sixty (60) cents; for a civil government of Michigan, twenty-five (25) cents; algebra for beginners, thirty-five (35) cents; algebra complete, sixty (60) cents; for copy books, each five (5) cents.

SEC. 4. If, upon the examination of such proposals, it shall be the opinion of such Board of Commissioners that such books can be furnished cheaper to the patrons, for use in common or primary schools of the State, by procuring and causing to be published the manuscript of any or all of such books, it shall

be their duty to procure such manuscript, and to advertise for sealed proposals for publishing the same, in like manner as hereinbefore provided, and under the same conditions and restrictions. And such contract may be let for the publication of all such books, or for any one or more of such books separately; and it shall be the further duty of such Board of Commissioners to provide, in the contract for the publication of any such manuscript, for the payment, by the publisher, of the compensation agreed between such board and the author or owner of any such manuscript, for such manuscript, together with the cost or expense of copyrighting the same.

SEC. 5. It shall be a part of the terms and conditions of every contract made in pursuance of this act, for the publication of any book or books, that such contractor shall sell or cause to be sold for cash to all merchants and dealers and to such school districts as are now or may hereafter furnish free text-books for use in the school or schools of said district, who may apply therefor, and in such quantities as they may require, a sufficient number of such books as are published under such contract to fully and promptly supply the demand for said books, which book or books shall be sold to merchants or dealers and to said school districts at a price twenty (20) per cent less than the contract price of such book or books. It shall also be a part of the terms and conditions of every contract made in pursuance of this act that said contractor shall furnish the book or books published under such contract for introduction into the schools in exchange for the books in use in said schools on same subjects and of the same grade at a discount of fifty per cent from the contract price of said books. It shall also be stipulated in every contract made in pursuance of this act, that any book or books published under said contract shall be equal in quality as to matter, material, style of binding and mechanical execution to the books named in section one of this act, and any failure of the contractor to maintain the standard of excellency of the said book or books fully up to the standard herein named shall work a forfeiture of said contract; also that contracts made for the publication of physics, histories and geographies shall stipulate that said books shall be revised every three years as directed by said Board of Commissioners in order that said books may be fully up to date as to the events transpiring in the world in relation to the subjects treated on in said books.

Dealers and school districts to be supplied at what price.

When books are exchanged.

Books to be revised, when.

SEC. 6. Any merchant or dealer who shall knowingly or wilfully charge, receive, collect or attempt to charge or collect, for any school book or books by him sold to any school patron or pupil, any sum in excess of the price at which such book or books are required to be sold by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail not more than six months nor less than thirty days, and fined in any sum not exceeding five hundred dollars.

Penalty for overcharge for books.

Title and
price of book
to be printed
on cover.

Proviso as to
copy books.

Use of books
made man-
datory.

Proviso.

Not manda-
tory when
free books are
furnished.

Question of
free books to
be submitted.

Act not man-
datory, when.

State not
liable for
payment.

SEC. 7. It shall be the duty of any person or persons, firm or corporation who may hereafter furnish or supply books under the provisions of this statute to print in large letters upon the outside of the first cover of each book so furnished and supplied by him or them, the name of the adopted book, and upon the outside of the back cover the price at which such book is furnished to be sold to the patrons or pupils of the public schools of this State under each contract, and it shall be the duty of all county school commissioners and school teachers to see that all the books so furnished for use in the public schools of the State shall bear such imprint: *Provided*, This section shall not apply to copy books.

SEC. 8. The books which may hereafter be adopted by the State of Michigan for use in its common or primary schools by virtue of this act shall be uniformly used in all the common or primary schools of the State except as hereinafter provided, in teaching the branches of learning treated of in such books, and it shall be the duty of the proper school officers and authorities to use in such schools such books for teaching the subjects treated in them: *Provided*, That no school shall be prohibited from using any supplementary books: *Provided however*, That the provisions of this act shall not be mandatory on districts that are furnishing free text-books for use in the school or schools of the district or that may, at the annual school meeting, or at any special or general election in the years eighteen hundred and ninety-seven or eighteen hundred and ninety-eight by a majority vote of the qualified electors of said district determine to furnish free text-books for use in the school or schools of the district, and it shall be the duty of the school board of the several districts that have not previously adopted free text-books to submit the question of the adoption of free text-books to the electors of the district at any annual school meeting or special or general election during the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight under the conditions and provisions of act number one hundred and forty-seven of the session laws of eighteen hundred and eighty-nine: *And provided further*, That the provisions of this act shall not be mandatory on any district, which shall at any annual, special or general election during the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight determine, by a majority vote of the qualified electors of said district voting on the subject, not to come thereunder.

SEC. 9. It shall be a part of the terms and conditions of every contract, made in pursuance of this act, that the State of Michigan shall not be liable to any contractor hereunder for any sum whatever; but that all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of the books, as provided for in this act.

SEC. 10. As soon as such Board of Commissioners shall have entered into a contract or contracts for the furnishing of books for use in the public schools of this State, pursuant to the provisions of this act, it shall be the duty of the Governor to issue his proclamation announcing such fact to the people of this State.

Proclamation
of Governor
announcing
contract.

SEC. 11. The sum of one thousand dollars is hereby appropriated out of any funds in the State treasury not otherwise appropriated for the purpose of paying the cost and expenses incident to the giving of the notices herein provided for, and carrying out the provisions of this act. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Appropriations
for
expenses.

Laws
repealed.

Approved May 29, 1897.

[No. 199.]

AN ACT to amend section one of chapter one hundred fifty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's section fifty-eight hundred thirty-four of Howell's annotated statutes, relative to letters testamentary.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter one hundred fifty-five of the compiled laws of eighteen hundred seventy-one, being compiler's section fifty-eight hundred thirty-four of Howell's annotated statutes, relative to letters testamentary, be and the same is hereby amended so as to read as follows:

Section
amended.

SECTION 1. When a will shall have been duly proved and allowed, the probate court shall issue letters testamentary thereon, to the person named executor therein, if he is legally competent, and shall accept the trust, and give bond as required by law, and a copy of such will shall be annexed thereto: *Provided, however*, That no extra fees shall be charged therefor.

Copy of will
attached to
letters testa-
mentary.

Approved May 29, 1897.

[No. 200.]

AN ACT to incorporate societies for the study of literature, for general culture and for educational and philanthropic work.

Who may incorporate.

SECTION 1. *The People of the State of Michigan enact*, That seven or more persons within this State may associate themselves together by such an agreement in writing as is hereinafter described, with the intention of forming a corporation for any of the purposes hereinafter specified upon complying with the provisions of section three and shall then be and remain a corporation.

Purpose of incorporation.

SEC. 2. The said corporation shall be solely for the study of literature, for general culture and for educational and philanthropic work.

Agreement to state, what.

SEC. 3. The agreement shall state that the subscribers thereto associate themselves with the intention of forming a corporation, the name of the corporation, the purpose for which it is formed, the town or city in which it shall be located in this State, and (if it has a capital stock), the amount thereof and the number and par value of its shares, which par value may be either ten, twenty-five, fifty or one hundred dollars. The name shall be one not previously in use by any existing corporation, shall indicate that it is a corporation or company and shall be changed only by act of the circuit court.

Relative to name.

Corporation may hold or lease property.

SEC. 4. The corporation may hold real and personal estate, and may hire, purchase or erect suitable buildings for its accommodation to an amount not exceeding twenty-five thousand dollars, to be devoted to the purposes set forth in its agreement of association, and may receive and hold in trust or otherwise, funds received by gift or bequest to be devoted by it to such purposes. Such real and personal property shall be subject to taxation.

Fee to be paid to Secretary of State.

SEC. 5. The associates shall meet for organization, organize and certify their organization to the Secretary of State, and upon the payment of a fee of five dollars to the Secretary of State he shall perform in respect to corporation organized under this chapter the acts required of him in respect to manufacturing corporations; and the certificate of incorporation shall be in the same form, except as modified in accordance with the purpose of this act, and shall have the same legal force and effect as the certificates issued to such corporations.

Form of certificate.

Approved May 29, 1897.

[No. 201.]

AN ACT authorizing the Commissioner of the State Land Office to have trespass agents adjust and collect all trespasses committed upon State tax lands.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office is hereby authorized and empowered to adjust and collect all trespasses upon all lands held by the State for the non-payment of taxes and he shall pay over all moneys received by him in satisfaction of such trespass to the State Treasurer for the benefit of the fund to which it may belong, and shall keep a complete and itemized record in his office of all adjustments and settlements made under the provisions of this act.

Commissioner
of Land Office
to collect
trespasses.

To keep
record.

Approved May 29, 1897.

[No. 202.]

AN ACT to amend an act entitled "An act to revise the laws providing for the incorporation of Coöperative and Mutual Benefit Associations, and to define the powers and duties, and regulate the transaction of the business of all such corporations doing business within the State," approved June seventeen, eighteen hundred and eighty-seven and the acts amendatory thereof by adding thereto a new section to stand as section thirty-two.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and eighty-seven of the public acts of eighteen hundred and eighty-seven entitled "An act to revise the laws providing for the incorporation of Coöperative and Mutual Benefit Associations, and to define the powers and duties, and regulate the transaction of the business of all such corporations and associations doing business within this State," approved June seventeen, eighteen hundred and eighty-seven, and the acts amendatory thereof, be and the same is hereby amended by adding thereto a new section to be known as section thirty-two, which shall read as follows:

Act amended.

SEC. 32. Nothing contained herein shall be construed as prohibiting any society organized for social or fraternal purposes, and which makes provision also for insuring the lives of its members, under the provisions hereof, from the maintenance of rooms for social purposes: *Provided*, That no part of either the mortuary, emergency, or reserve funds, herein provided for, shall be devoted to or used for such purposes.

Societies may
maintain
rooms for
social pur-
poses.

Proviso as to
certain funds.

Approved May 29, 1897.

[No. 203.]

AN ACT to provide for an appropriation for the use and maintenance of the hospitals of the University of Michigan during the summer vacations of said University.

Appropriation
for hospitals
of the Uni-
versity of
Michigan.

Proviso as to
time kept
open.

Annual
assessment.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury for the use and maintenance of the hospitals of the University of Michigan during the summer vacations of said University, that is, from the first day of July to the first day of October of each year, the sum of three thousand dollars annually: *Provided*, That at such times said hospitals shall be kept open to receive and care for all patients applying for admission that could be there treated and accommodated.

SEC. 2. There shall be assessed annually upon taxable property of this State the sum of three thousand dollars, which sum shall be assessed, levied and collected in the same manner as other State taxes are assessed, levied and collected, and which taxes, when collected, shall be credited up to the general fund to reimburse the same for the amount drawn therefrom as prescribed in section one of this act.

• This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 204.]

AN ACT to amend section four thousand four hundred fourteen (4414) of the compiled laws of eighteen hundred seventy-one (1871), being section five thousand eight hundred eighty-two (5882) of Howell's annotated statutes of the State of Michigan, relative to sales of real estate held by executors and administrators under execution and mortgage sales.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand four hundred fourteen (4414) of the compiled laws of eighteen hundred seventy-one (1871), being section five thousand eight hundred eighty-two (5882) of Howell's annotated statutes of the State of Michigan, relative to sales of real estate held by executors and administrators under execution and mortgage sales, be, and the same is hereby amended so as to read as follows:

Real estate
acquired by
administrator
considered
as personal
estate.

SEC. 5882. Any real estate which may have been purchased or which may hereafter be purchased by an executor or an administrator as such, upon a sale on execution for the recovery of a debt due to the estate, or upon a sale in the foreclosure

of a mortgage held by said executor or administrator (whether owned by the deceased in his lifetime or acquired after his death), shall be considered as personal estate and may be sold and conveyed by said executor or administrator in like manner as personal estate may now be sold, and the proceeds thereof shall be held and divided as personal estate: *Provided*, Such sale shall first be approved by the judge of probate having jurisdiction of such estate by an order entered in the journal of the court a copy of which order shall be attached to and recorded with the deed given by such executor or administrator.

Sale to be approved by judge of probate.

Approved May 29, 1897.

[No. 205.]

AN ACT to prefer ex-soldiers for public employments.

SECTION 1. *The People of the State of Michigan enact*, That in every public department, and all public departments in all municipal corporations, and upon the public works of the State of Michigan, honorably discharged union soldiers, sailors and marines of the late rebellion shall be preferred for appointment and employment; age, loss of limb or other physical impairment which does not, in fact, incapacitate, shall not be deemed to disqualify them: *Provided, however*, That the applicant shall have been a resident of the State for at least five years and of the county in which the office or position is located for at least two years and possesses other requisite qualifications.

Honorably discharged soldiers, etc., preferred for employment.

SEC. 2. No veteran holding an office or employment in the public works of any city or town of the State shall be removed or suspended, or shall, without his consent be transferred from such office or employment, except after a full hearing before the mayor of such city or before the common council of such town, and at such hearing the veteran shall have the right to be present and to be represented by counsel. Such removal, suspension or transfer, shall be made only upon a written order of the mayor or of the common council.

Veteran not to be removed without hearing.

SEC. 3. Any violation of the provisions of this act shall be deemed a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be punishable by a fine of not less than fifty (\$50) dollars, and not more than one hundred (\$100) dollars.

Penalty.

Approved May 29, 1897.

[No. 206.]

AN ACT to amend section one hundred and eight of act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and eight of act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," be and the same is hereby amended so as to read as follows:

Return of city and village taxes to county treasurer.

Collection thereof.

Judicial sale provided for.

When State bids, etc., remain unsatisfied.

SEC. 108. The authorities of any city or village, the charter of which does not so provide, may provide by ordinance for the return of all unpaid taxes on real property to the county treasurer in the same manner and with like effect, as returns by township treasurers. The taxes thus returned shall be collected in the same manner as other taxes returned, as provided in this act. The authorities of any city or village which, by its charter, has the right to sell lands for unpaid taxes or assessments, may provide for judicial sale of such lands. Such sale shall be made on petition filed in behalf of the city or village in interest, and shall conform, as near as practicable, to the provisions as to sale in this act: *Provided*, That whenever any lands are offered at such sale that have been bid to the State at any tax sale made under the provisions of any general tax law, and upon which such bid or bids remain undischarged, any sale made of such lands at the city tax sale shall be conditioned upon the payment of the tax lien held by the State on said land and the sale, so made shall be void if the tax lien held by the State shall remain unsatisfied.

Approved May 29, 1897.

[No. 207.]

AN ACT to make an appropriation for the support of the State Agricultural College, for the repair of buildings, and other improvements at said college.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury, for the benefit of the Agricultural College, as follows: Twelve thousand dollars for the repair of buildings, steam and water works, repair and preservation of sewers; five thousand dollars for student labor; two hundred dollars for bath tub in Abbott Hall; five thousand dollars for an electric light plant, to include engine, dynamo, wiring, lamps and all other appliances needed in installing such plant; a total of twenty-two thousand two hundred dollars, of which total appropriation eleven thousand two hundred dollars, shall be paid in the year one thousand eight hundred and ninety-seven, and eleven thousand dollars, in the year one thousand eight hundred and ninety-eight, which said moneys provided for in this act, or so much thereof as may be necessary, shall be expended under the direction of the State Board of Agriculture for the purposes aforesaid, and shall be drawn from the treasury on presentation of the proper certificate of said board to the Auditor General and on his warrants to the State Treasurer.

Appropriation
for benefit of
Agricultural
College.

When and
how paid.

To be used
under direc-
tion of Board
of Agri-
culture.

SEC. 2. There shall be assessed upon the taxable property of the State in the year one thousand eight hundred and ninety-seven the sum of eleven thousand two hundred dollars, and in the year one thousand eight hundred and ninety-eight the sum of eleven thousand dollars, to be assessed and levied in like manner as other taxes are assessed, levied and paid; which tax, when collected, shall be credited to the general fund to reimburse the same for the sums to be drawn therefrom as provided for in this act.

When assess-
ments made
and how col-
lected.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 208.]

AN ACT making appropriations for the current expenses and necessary improvements for the State Industrial Home for Girls, for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated from the general fund the sum of forty thousand dollars to meet the current expenses of the State Industrial Home for Girls for the year eighteen

Appropriation
for State In-
dustrial Home
for Girls.

hundred and ninety-seven, and a further sum of forty thousand dollars for a like purpose for such State institution for the year eighteen hundred and ninety-eight.

Further appropriation, how to be used.

SEC. 2. The further sum of six thousand seven hundred fifty dollars is hereby appropriated for the following purposes for the year eighteen hundred and ninety-seven, viz.: To purchase and fence the Stewart lands now rented and occupied by the State two thousand dollars; for the construction plumbing and equipping of a hospital three thousand dollars; for painting, five hundred dollars; new floors, two hundred fifty dollars; for renewal of old water tanks, six hundred dollars; three fire escapes, four hundred dollars.

When and how taxes to be levied and collected.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and ninety-seven, the sum of forty-six thousand seven hundred fifty dollars, and for the year eighteen hundred and ninety-eight, the sum of forty thousand dollars, to be assessed levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be placed to the credit of the general fund to reimburse it for the amounts appropriated by sections one and two of this act.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 209.]

AN ACT to revise, amend and consolidate the laws for the incorporation of ecclesiastical bodies.

Number who may incorporate as religious society.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any five or more persons of full age to become incorporated as a church, religious society, Sunday school or other society for the purpose of diffusing moral or religious knowledge by complying with the following conditions:

Articles of association to be executed and filed.

SEC. 2. Articles of association shall be executed in triplicate, and acknowledged before some officer authorized by law to take acknowledgment of deeds. One of such triplicate copies shall be retained by such corporation, one copy shall be filed in the office of the register of deeds of the county where such corporation is formed and one copy shall be filed in the office of the Secretary of State.

What to state.

SEC. 3. The articles of association of any such corporation shall state the purpose for which such society is incorporated, the name of the corporation, the period for which it is incorporated and the name and place of residence of each of the persons associating in the first instance.

SEC. 4. The persons forming such corporation shall adopt by-laws, and execute and acknowledge them in the same manner as the articles of association above provided for, and such by-laws shall be recorded in the office of the register of deeds of the county where such corporation is to hold its regular meetings. Such by-laws shall prescribe the qualifications of members; the manner in which they shall be admitted, suspended or expelled; the officers of such corporation; their official title; their term of office; the manner of their election and removal from office; their official duties; the time and manner of calling and holding meetings; how far such corporations shall be subject to the by-laws of any other corporation, which corporation shall be named; the manner and condition under which personal property and real estate may be acquired, held and disposed of, and such other by-laws as may be deemed necessary for the management of the affairs of such corporation. Such by-laws shall also prescribe the manner in which they may be altered, amended or repealed.

Incorporators to adopt and execute by-laws.

What to prescribe.

SEC. 5. Every such corporation may adopt a corporate seal, may sue and be sued, may take and hold personal property and such real estate as may be necessary for the proper execution of the purposes for which it was incorporated, may sell, mortgage and convey real estate under such conditions and in such manner as shall be prescribed by its by-laws.

Corporate rights.

SEC. 6. Such corporation may receive bequests or gifts of money for investment upon bond or mortgage when the interest of such investment is to be used by such corporation for the lawful purposes of the corporation, and may receive gifts or bequests of real estate for like purpose, but such real estate so received shall be sold within ten years of the time it becomes the property of such corporation, and the proceeds derived from such sale shall be invested in like manner as if the original bequest had been in money.

Corporation may receive gifts and bequests.

Real estate to be sold.

SEC. 7. Any corporation organized under the provisions of this act whose corporate existence is about to expire by limitation may extend its corporate existence for a term not exceeding thirty years, by filing with the Secretary of State and the register of deeds of the county where such corporation is located duly attested copies of a resolution adopted by such corporation at a meeting called in accordance with the provisions of its by-laws expressing a desire to so extend its corporate existence, and upon the filing of such resolution as above specified, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term of not exceeding thirty years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

Extension of corporate existence.

SEC. 8. Whenever any number of churches or other corporations organized for the purposes enumerated in this act desire to unite in a central organization for the accomplish-

Provisions for uniting in central organization.

ment of any such purpose they may become incorporated by severally adopting at meetings specially called for the purpose. resolutions expressing their desire to become members of such corporation; and by filing in the office of the Secretary of State duly attested copies of such resolutions together with a copy of their articles of association and by-laws of such corporation which articles of association and by-laws shall conform to the provisions of sections three and four of this act so far as such provisions can be made applicable to such corporation.

Central organization may acquire real estate.

SEC. 9. Corporations organized under section eight of this act may hold real estate and personal property subject to the provisions of sections five and six of this act.

All religious societies to incorporate under this act.

SEC. 10. All churches, religious societies, Sunday schools or other societies for the purpose of diffusing moral or religious knowledge hereafter incorporated shall be incorporated under this act.

Acts repealed.

SEC. 11. Chapters one hundred and seventy, one hundred and seventy *a*, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-six *a*, one hundred and seventy-seven, one hundred and seventy-seven *a*, one hundred and seventy-seven *b*, one hundred and seventy-eight, one hundred and seventy-eight *a*, of Howell's annotated statutes are hereby repealed: *Provided, however,* That notwithstanding the repeal of the above mentioned acts, all rights of whatever nature whether of incorporation, existence, franchise, property or action now existing are expressly preserved, and the above mentioned acts for the enjoyment and enforcement of any such rights shall be deemed to be still in force, but for no other purpose whatsoever.

Proviso as to existing rights.

Approved May 29, 1897.

[No. 210.]

AN ACT to authorize the State Board of Agriculture to hold institutes and to establish courses of reading and lectures for the instruction of citizens of this State in the various branches of agriculture, and making an appropriation therefor.

State Board of Agriculture authorized to hold institutes.

SECTION 1. *The People of the State of Michigan enact,* That the State Board of Agriculture is hereby authorized to hold institutes and to maintain courses of reading and lectures for the instruction of citizens of this State in the various branches of agriculture and kindred sciences. The said board shall formulate such rules and regulations as it shall deem proper to

carry on the work contemplated in this act, and may employ an agent or agents to perform such duties in connection therewith as it shall deem best. May employ agents.

SEC. 2. When twenty or more persons, residents of any county in this State, organize themselves into a society to be called the _____ County Farmers' Institute Society, for the purpose of teaching better methods of farming, stock raising, fruit culture, and all the branches of business connected with the industry of agriculture, and adopt a constitution and by-laws agreeable to rules and regulations furnished by the State Board of Agriculture; and when such society shall have elected such proper officers and performed such other acts as may be required by the rules of said board, such society shall be deemed an institute society in the meaning of this act: *Provided*, That not more than one such institute society in any county shall be authorized by this act: *And provided further*, That any existing organization, approved by the Board of Agriculture, shall be considered a legally organized institute society under the terms of this act. Requirements of organization.

SEC. 3. In each county where an institute society shall be organized and maintained under the provisions of this act the State Board of Agriculture shall hold one annual institute at such place in the county, and at such time as said board may deem expedient, and shall furnish for the institute a lecturer or lecturers, with all expenses paid. The county institute society shall provide a suitable hall for the institute, furnish fuel and lights, and pay other local expenses, and shall provide speakers who shall occupy one-half the time of the institute that is given to set addresses: *Provided*, That upon the request of any institute society which desires to conduct its own institute and to employ lecturers from outside of the county in lieu of lecturers sent by the State Board of Agriculture, the said board may, in its discretion, grant to the society from the institute fund money not to exceed twenty-five dollars, said money to be expended by the society entirely in payment of services and expenses of said lecturers. State Board to hold one annual institute.

SEC. 4. The State Board of Agriculture is further authorized to hold a number of one day institutes in such counties as it may deem expedient. Also, if the funds appropriated by this act permit the said board may hold a number of four day institutes at such places and times as said board may determine, at which the primary object shall be to furnish a school of instruction in practical agriculture and kindred sciences. County institute to provide hall, etc.

SEC. 5. The State Board of Agriculture shall maintain the course of reading known as the Farm Home Reading Circle, and may expend from the moneys appropriated by this act a sum not to exceed two hundred dollars for each of the two years for which the appropriation is made, for the maintenance and extension of said course. Proviso. When institute society conducts its own institute.

SEC. 6. For the purposes mentioned in the preceding sections the said Board of Agriculture may use such sum as it shall deem proper, not exceeding the sum of five thousand five State Board authorized to hold institutes as it may deem expedient.

Maintain course of reading. May expend money from appropriation.

Use of moneys not to exceed.

Tax to be
levied and
collected.

hundred dollars in the year ending June thirtieth, eighteen hundred ninety-eight, and five thousand five hundred dollars in the year ending June thirtieth, eighteen hundred ninety-nine; and such amounts are hereby appropriated from the general funds of this State, which sums shall, respectively, for the years named, be included in the State taxes apportioned by the Auditor General on all the taxable property of the State, to be levied, assessed and collected as are other State taxes, and when so assessed and collected to be paid into the general fund to reimburse said fund for the appropriations made by this act.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 211.]

AN ACT making an appropriation for promoting the horticultural interests of the State and the editing and compiling of the reports of the Michigan State Horticultural Society.

Appropriation
for Michigan
State Horti-
cultural
society.

SECTION 1. *The People of the State of Michigan enact*, That the sum of one thousand dollars per year for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight be and the same is hereby appropriated from any moneys in the general fund for the use of the Michigan State Horticultural Society, to be used as hereinafter provided.

How moneys
shall be paid.

SEC. 2. The moneys hereby appropriated shall be paid by the State Treasurer on the warrant of the Auditor General on presentation of receipted vouchers duly certified by the president and secretary of the Michigan State Horticultural Society, showing that the moneys asked for have been actually expended and for the purposes prescribed in this act.

Moneys to be
used by offi-
cers for pro-
curing lec-
tures.

SEC. 3. The moneys hereby appropriated may be used by the officers of the Michigan State Horticultural Society for procuring lectures, employing scientists or experts to investigate the diseases and insect enemies of trees, vines, plants or fruit, to determine and promulgate the best method of preventing or destroying said diseases and insects; or in such other manner as in the judgment of said board will best promote the horticultural interests of the State, also in the work of collecting material, securing cuts for illustrations, and in the preparation of the copy of the reports of said society for the years eighteen hundred ninety-seven and eighteen hundred ninety-eight.

Auditor Gen-
eral to incor-
porate in
State tax.

SEC. 4. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-seven the sum of one thousand dollars, and for the year eighteen hundred ninety-eight the sum of one thousand dollars which when collected

shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

This act is to take immediate effect.

Approved May 29, 1897.

[No. 212.]

AN ACT to provide for the testimony of a husband and wife in certain cases, and to repeal all existing acts and parts of acts conflicting with the provisions of this act.

SECTION 1. *The People of the State of Michigan enact*, That a husband may testify for or against his wife without her consent, and a wife may testify for or against her husband without his consent, in all criminal prosecutions, for bigamy: *Provided, however*, That nothing herein contained shall be so construed as to permit a husband or wife to testify against the other without the consent of both concerning any communications made by one to the other during the marriage.

Husband and wife may testify for or against each other in prosecutions for bigamy.

Proviso as to communications during coverture.

SEC. 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Acts repealed.

Approved May 29, 1897.

[No. 213.]

AN ACT to amend act number one hundred and fifty-six of the public acts of eighteen hundred and ninety-three entitled "An act to provide a penalty for cruelty to children," and to repeal all existing acts and parts of acts conflicting with the provisions of this act.

SECTION 1. *The People of the State of Michigan enact*, That any parent or guardian or person under whose protection any child may be, who tortures, cruelly or unlawfully punishes, or wilfully, unlawfully, or negligently deprives of necessary food, clothing or shelter, or who wilfully abandons a child under sixteen years of age, or who habitually causes or permits the health of such child to be injured, his or her life endangered by exposure, want or other injury to his or her person, or causes or permits him or her to engage in any occupation that will be likely to endanger his or her health or deprave his or her morals or who habitually permits him or her to frequent public places for the purpose of begging or receiving alms, or

Penalty for unlawful punishment or cruelty to children.

Proviso as to giving bond for proper care of child.

Provisions as to complaint and warrant.

Attempt to be held violation of law.

Acts repealed.

to frequent the company of or consort with reputed thieves or prostitutes, or by vicious training depraves the morals of such child, shall upon conviction be deemed guilty of a felony, and punished by imprisonment in the county jail or in the State prison or the State house of correction at Ionia at hard labor for not more than five years nor less than three months:

Provided, however, If, after such conviction and before sentence, in case the child has not been deformed or maimed, he or she shall appear before the clerk of the court in which said conviction shall have taken place, and with good and sufficient surety, to be approved by said clerk, enter into bond to the people of the State of Michigan in the penal sum of one thousand dollars conditioned that he or she will furnish such child or children with necessary and proper home, care, food, shelter, protection and clothing, the said court may suspend sentence therein.

When complaint is made on oath or affirmation to a magistrate or court having jurisdiction in such cases that the complainant believes that any of the provisions of law relating to or affecting children are being, or are about to be violated in any particular building or place, such magistrate or court being satisfied that there is reasonable ground for such belief, shall issue a warrant directed to the proper sheriff, constable, police officer or agent of such association, authorizing him to enter and search such building or place, and to arrest any person there present violating or attempting to violate any such law, and to bring such person before some court or magistrate of competent jurisdiction, together with the child or children concerning whom such offense has been committed, to be dealt with according to the law; and such attempt shall be held to be a violation of such law, and shall subject the person charged therewith if found guilty to the penalties provided for such violation.

SEC. 2. All acts or parts of acts, conflicting with the provisions of this act, are hereby repealed.

Approved May 29, 1897.

[No. 214.]

AN ACT to amend section one hundred and eleven of act number two hundred and six of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the assessment of property, and the levy [and collection] of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State, and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred and ninety-three.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section one hundred and eleven of act number two hundred and six of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the assessment of property and the levy [and collection] of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State, and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June one, eighteen hundred and ninety-three, be and the same is hereby amended so as to read as follows:

SEC. 111. Any township treasurer with the consent of his bondsmen which consent shall be in writing and shall be filed with the clerk of the township may appoint a deputy who shall possess all the powers and may perform all the duties of the treasurer. Such township treasurer and his bondsmen shall be liable for all the acts and defaults of such deputy treasurer. Such deputy shall be paid by the treasurer.

Township treasurer may appoint deputy.
Who liable for acts of deputy.

Approved May 29, 1897.

[No. 215.]

AN ACT making appropriations for the Michigan Home for the Feeble Minded and Epileptic, for the years eighteen hundred and ninety-seven, and eighteen hundred and ninety eight.

Appropriation for current expense of Michigan Home for Feeble Minded and Epileptic.

SECTION 1. *The People of the State of Michigan enact*, That the sum of thirty-five thousand two hundred and eighty-eight dollars be and is hereby appropriated to meet the current expenses of the Michigan Home for Feeble Minded and Epileptic for the year eighteen hundred and ninety-seven, and the sum of forty-two thousand seven hundred and eighty-eight dollars for the year eighteen hundred and ninety-eight.

SEC. 2. That the sum of forty-one thousand five hundred dollars (\$41,500) is hereby appropriated for the following purposes, viz.:

Additional appropriation.

One new cottage	\$15,000 00
Enlarging dining room and kitchen	12,000 00
One new boiler, fixtures, and enlarging boiler room	2,600 00
Laundry building and machinery	5,000 00
Hospital building	1,500 00
Heating one cottage	2,000 00
Sewerage	1,000 00
Furnishing	2,400 00

Proviso for erecting and furnishing new cottage.

Provided, That the sum of seventeen thousand four hundred dollars for erecting and furnishing one new cottage may be drawn from the State treasury during the year eighteen hundred and ninety-eight.

Auditor General to incorporate in State tax.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-seven, the sum of seventy-six thousand seven hundred eighty-eight dollars, for the year eighteen hundred and ninety-eight, the sum of forty-two thousand seven hundred eighty-eight dollars, to be assessed, levied and collected, which sums, when collected, shall be placed to the credit of the general fund to reimburse it for the sums appropriated by sections one and two of this act as above provided.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 216.]

AN ACT making appropriations for the State Board of Fish Commissioners for the year ending June thirtieth, eighteen hundred and ninety-eight, and the year ending June thirtieth, eighteen hundred and ninety-nine.

SECTION 1. *The People of the State of Michigan enact*, That the sum of fifteen thousand dollars be and the same is hereby appropriated for the year commencing July first, eighteen hundred and ninety-seven and ending June thirtieth, eighteen hundred and ninety-eight; and the sum of fifteen thousand dollars be and the same is hereby appropriated for the year commencing July first, eighteen hundred and ninety-eight, and ending June thirtieth, eighteen hundred and ninety-nine, for the necessary current expenses of the State Board of Fish Commissioners during those years; all of which the State Treasurer shall pay to said board, on the warrants of the Auditor General, from time to time, as their vouchers for the same shall be exhibited and approved.

Appropriation
for State
Board of
Fish Com-
missioners.

State Treas-
urer to pay
on warrant
of Auditor
General.

SEC. 2. The further sum of one thousand five hundred dollars be and the same is hereby appropriated for use by said board for the year ending June thirtieth eighteen hundred and ninety-eight, for repair of buildings for the several stations for the propagation of fish and for the prosecution of the work entrusted by law to said board.

Additional
appropria-
tion for re-
pair of
buildings.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-seven, the sum of sixteen thousand five hundred dollars. He shall also add to and incorporate in the State tax for the year eighteen hundred and ninety-eight the further sum of fifteen thousand dollars, all of which shall be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be paid into the State treasury to reimburse the same for the amounts to be drawn as provided in sections one and two of this act.

Auditor Gen-
eral to incor-
porate in
State tax.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 217.]

AN ACT to provide for the registration of deaths in Michigan and requiring certificates of death.

SECTION 1. *The People of the State of Michigan enact*, That the body of no person whose death occurs in the State shall be interred, deposited in a vault or tomb or otherwise disposed of, or removed from the township, village or city in which the

Burial per-
mits to be
issued by
clerk.

Proviso in cities.

Who shall obtain death certificate.

Physician to certify to cause of death.

Proviso.

Deaths from dangerous communicable diseases.

Death certificate to contain.

death occurred, until a permit for burial or removal shall have been properly issued by the clerk of the township, village or city in which the death occurs, who shall be the registrar of deaths: *Provided*, That in cities that have, or shall institute, a system of immediate registration of deaths by the board of health, the health officer or secretary of the board of health shall act as registrar of deaths under this act, in lieu of the city clerk, and shall in all respects conform to its provisions.

SEC. 2. Whenever any person shall die, the undertaker, householder, relative, friend, manager of institution, sexton or other person superintending the burial of said deceased person, shall cause a certificate of death to be filled out with all of the personal and family particulars required in section three of this act, and attested by the signature of a relative or some competent person acquainted with the facts. The physician who attended the deceased person during his last illness, shall fill out the medical certificate of cause of death, which death certificate shall be delivered to the registrar within the time designated, if any, by the local board of health. In case of death without the attendance of a physician, or if it shall appear probable that the deceased person came to his death by unlawful or suspicious means, then the registrar shall refer the certificate to the health officer or coroner for immediate investigation and report prior to issuing the permit: *Provided*, That when the health officer is not a physician, and only in such case, the registrar is authorized to insert the facts relating to the cause of death from statements of relatives or other competent testimony. Upon the presentation of a certificate of death properly filled out and signed, the registrar shall issue a permit for the burial or removal of the body and shall immediately record the death in the register of deaths, numbering all certificates consecutively in the order in which they are received, beginning with number one, for the first death that occurs in each year. In deaths from dangerous communicable diseases, burial or removal permits shall be granted by the registrar only in accordance with the rules of the local board of health and of the State Board of Health relating thereto.

SEC. 3. The certificate of death shall contain the following facts concerning each decedent:

FIRST PART—*Personal and family particulars*:—Date of death, stating year, month and day; full name; sex; age, in years, months and days, if known, or the approximate age if the exact age cannot be ascertained; color; whether single, married, widowed, or divorced; if married, age at first marriage, and parent of how many children, of whom how many are living; place of death, giving ward, street and number if in a city; birthplace (State or country if not born in Michigan); occupation; full names of both parents; birthplaces of both parents; proposed place and time of burial or place and route for

removal of body; signature and address of reporter certifying to above facts; signature and address of undertaker.

SECOND PART—*Medical certificate of cause of death*:—Name of disease; immediate cause of death, together with contributory causes or complications, if any; duration of each cause; date last seen by medical attendant, or fact of no medical attendance; in violent deaths, statement whether death resulted from accident, suicide or homicide; whether a post mortem was held and results thereof, signature and address of medical attendant, health officer or coroner certifying to cause of death: *Provided further*, Said certificate and permit shall not be required before burial in townships where it is impracticable to obtain the same within a reasonable time after death, but in all such cases, said certificate shall be obtained within ten days after death.

Name of disease, cause of death.

Proviso in townships.

SEC. 4. Registers of deaths shall be supplied by the Secretary of State to registrars for recording certificates of death, together with all blanks required for the execution of this act. On the fourth day of each month the registrar of each township, village and city shall promptly transmit to the Secretary of State, in an official envelope provided by the State and stamped with one full letter stamp, all the certificates of death filed in his office during the [preceding] proceeding calendar month, with a statement of the number of deaths so reported: *Provided*, That the registrars of cities, may in lieu of the original certificates of deaths transmit certified copies of the same to the Secretary of State. If no deaths occurred, he shall make a return to that effect upon a postal card blank. The certificates of death returned to the Secretary of State shall be permanently preserved, bound and indexed by him; the statistical data therein contained shall be compiled and published in the annual registration report, and monthly bulletins shall be issued showing the mortality of the State in detail, the prevalence of important causes of death, and such other information as shall be of public interest and sanitary value. The registrar shall also send a transcript monthly to the clerk of his county containing a record of all of the deaths entered upon his register during the preceding calendar month for entry upon the county record of deaths. All certificates of death, local registers or county records authorized under this act or certified copies thereof shall be *prima facie* evidence in all courts and for all purposes of the facts recorded therein.

When to report to Secretary of State.

Proviso in cities.

To make monthly report to county clerk.

SEC. 5. Registrars of deaths shall receive twenty-five cents for the proper record and return of each death including the issue of a burial or removal permit. The Secretary of State shall certify to each registrar annually the number of properly executed certificates of deaths received from him for the preceding calendar year which certified statements shall be received by the treasurer of the county in which the registration district is situated, and payment made by him in accordance with the rate fixed in this section: *Provided*, That the

Registrars fee.

Secretary of State to certify annually.

Proviso.

Further
proviso.

Secretary of State shall not include in the number of certificates certified for payment any imperfect certificates or those not transmitted promptly as required by section four of this act: *Provided further*, That the registrars of cities having a population of ten thousand inhabitants or more by the last United States or State census, shall receive no compensation other than their salaries for the duties required by this act.

Penalty for
failure to per-
form duty.

SEC. 6. Any official failing or refusing to perform his duty under this act, or any undertaker violating any of its provisions, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars and not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or suffer both fine and imprisonment at the discretion of the court. Local registrars shall see that the provisions of this act are enforced in their jurisdictions; the Secretary of State shall be charged with the general execution of the law and shall have supervisory power over registrars, to the end that this act shall be uniformly and effectually executed throughout the State. Prosecuting attorneys shall, upon the request of a local registrar or of the Secretary of State, assist in the enforcement of the provisions of this act.

Repealing
clause.

Proviso as to
year 1897.

Proviso as to
local boards
of health.

Proviso as to
sparsely
settled
townships.

SEC. 7. All of that part of act number one hundred and ninety-four of eighteen hundred and sixty-seven, as amended by act number one hundred and twenty-five of eighteen sixty-nine, relating to the collection and return of deaths and inconsistent with this act, is hereby repealed: *Provided*, That the returns of deaths for the calendar year eighteen hundred and ninety-seven shall be duly collected and compiled under the provisions of said act: *Provided further*, That it shall be the duty of the local boards of health to see that the provisions of this act are enforced: *Provided further*, That in sparsely settled townships, having an average density of population of less than five (5) persons per square mile at the time of the last preceding United States or State census, the returns of deaths shall continue to be made under said former act, and the provisions of this act shall go into operation when the aforesaid density of population has been reached.

Approved May 29, 1897.

[No. 218.]

AN ACT making appropriations for the State House of Correction and Reformatory at Ionia.

Appropriation
for State
House of Cor-
rection and
Reformatory
at Ionia.

SECTION 1. *The People of the State of Michigan enact*, That the sum of nine thousand two hundred dollars be appropriated out of the general fund for the following named purposes at the State House of Correction and Reformatory at Ionia:

For

Electric light plant, five thousand dollars (\$5,000).

General repairs, one thousand dollars (1,000).

Furnishing inmate kitchen and administration building, five hundred dollars (500).

Stationery, printing, etc., two hundred dollars (200).

Library, two hundred dollars (200).

Hose, garden and lawn improvements, eight hundred dollars (800).

Two bake ovens, tiling kitchen floor, one thousand dollars (1,000).

Repairing dining room floor, five hundred dollars (500).

SEC. 2. That the sums appropriated by this act shall be passed to the credit of the State House of Correction and Reformatory at Ionia, and paid to its treasurer or other responsible officer upon the requisition of the board or inspectors at such times and in such amounts as it may be made to appear to the Auditor General to be necessary.

Moneys to be paid upon requisition of Board of inspectors.

SEC. 3. That the aggregate sum appropriated by this act shall be added to and incorporated with the tax for the year eighteen hundred and ninety-seven by the Auditor General and when collected passed to the credit of the general fund.

To be incorporated in State tax.

This act is to take immediate effect.

Approved May 29, 1897.

[No. 219.]

AN ACT to prohibit using indecent, immoral, obscene or insulting language in the presence of any woman or child within this State and to provide a penalty therefor.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person or persons to use any indecent, immoral, obscene, vulgar or insulting language in the presence or hearing of any woman or child within the limits of any township, village or city in the State of Michigan.

Indecent or obscene language not to be used in presence of woman or child.

SEC. 2. Any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not exceeding ninety days, and in case of the non-payment of such fine when imposed, the court trying the same may make a further sentence that the offender be imprisoned in the county jail for a definite period not exceeding ninety days, unless said fine shall be sooner paid.

Penalty.

Approved May 29, 1897.

[No. 220.]

AN ACT to amend section twenty of chapter one hundred and eighty-one of the compiled laws of eighteen hundred and fifty-seven, and the several acts amendatory thereto relative to receiving stolen goods, the same being section nine thousand one hundred and forty-two of Howell's annotated statutes of the State of Michigan.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty of chapter one hundred and eighty-one of the compiled laws of eighteen hundred and fifty-seven, the same being section nine thousand one hundred and forty-two of Howell's annotated statutes of the State of Michigan, be and the same is hereby amended to read as follows:

Buying, etc.,
stolen goods
when value
exceeds
twenty-five
dollars.
When value
does not ex-
ceed twenty-
five dollars.

SEC. 20. Every person who shall buy, receive or aid in the concealment of any stolen money, goods or property knowing the same to have been stolen, if the property purchased, received or concealed exceed the value of twenty-five dollars shall be punished by imprisonment in the State prison not more than five years or by fine not exceeding five hundred dollars, and imprisonment in the county jail not more than one year. And if the property purchased, received or concealed shall not exceed the value of twenty-five dollars, shall be punished by imprisonment in the county jail not more than ninety days, or by fine not exceeding one hundred dollars, and on failure to pay such fine shall be imprisoned in the county jail not more than ninety days, or both such fine and imprisonment in the discretion of the court.

Approved May 29, 1897.

[No. 221.]

AN ACT to prohibit any corporation from selling, giving, delivering or issuing to any person employed by him or it, in payment of wages due for labor, or as advances on the wages of labor not due, any script, order or other evidence of indebtedness purporting to be payable or redeemable otherwise than in money, except by consent of the employé, and to provide a penalty therefor.

Issuance of
script, orders,
etc., unlawful,

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any corporation to sell, give, deliver or in any manner issue, directly or indirectly, to any person employed by him or it, in payment of wages due for labor, or as advances on the wages of labor not due, any script, token, order,

or other evidence of indebtedness purporting to be payable or redeemable otherwise than in money. Any violation of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars or imprisonment for not more than thirty days or both such fine and imprisonment in the discretion of the court, and any such script, token, order, or other evidence of indebtedness issued in violation of the provisions of this act, whatever its provisions as to the time or manner of payment shall be, in legal effect, an instrument for the unconditional payment of money only on demand, and the amount thereof may be collected in money by an holder thereof in a civil action against the corporation selling, delivering or in any manner or for any purpose issuing the same; and such holder may be either the person to whom such instrument was originally issued or who acquired the same by purchase and delivery.

Penalty.

Orders, etc., may be collected in money.

SEC. 2. Any script, token, order, or other evidence of indebtedness, issued in violation of the provisions of this act, and presented by the holder thereof, shall be taken as *prima facie* evidence, in any court of competent jurisdiction, of the guilt or indebtedness of any corporation selling, giving, delivering or in any manner issuing the same.

Orders, etc., evidence of guilt.

SEC. 3. Any person selling, giving, delivering or in any manner issuing said script, token, order, or other evidence of indebtedness in behalf of any corporation in violation of the provisions of the preceding sections shall be the defendant to the criminal action, and the corporation shall be held as defendant to the civil action: *Provided*, That the provisions of this act shall not apply, when any employé shall voluntarily request or consent to receive script, tokens or orders upon any person, company or corporation in payment, or part payment, of wages due, or to become due, to such employé.

Who made defendant in actions.

When orders voluntarily accepted, act not to apply.

SEC. 4. All acts or parts of acts in any manner contravening the provisions of this act are hereby repealed.

Acts repealed.

Approved May 29, 1897.

[No. 222.]

AN ACT to authorize the State Board of Agriculture to sell a certain tract of land belonging to the Michigan State Agricultural College, and to purchase a certain other tract of land for use of the State Agricultural College.

SECTION 1. *The People of the State of Michigan enact*, That the State Board of Agriculture is hereby authorized to sell a certain tract or parcel of land belonging to the State Agricultural College, described as follows, to wit: That part of the

Authority to sell.

southeast quarter of the northeast quarter of section thirteen (13), township four north, of range two west; bounded on the north by the highway known as the Lansing and Howell plank road; on the west by land owned by Charles S. Brooks; on the south by the so-called Center Town road, and on the east by the junction of the two roads; being a triangular piece of land and containing five acres more or less.

May sell tract
of land in
parcels.

SEC. 2. The State Board of Agriculture is hereby authorized to sell said tract of land, in parcels or lots at their discretion, and at such price as may be determined by said board, and to execute deed of the same by its president and secretary. All proceeds from the sale of said land, except as provided in section three of this act, shall be credited to the building account of the Agricultural College.

Authority to
purchase.

Debt not to be
incurred.

SEC. 3. The State Board of Agriculture is also authorized to purchase, in its discretion, a strip of land in section thirteen (13) township four north, of range two west, lying along the south bank of the Red Cedar river. But no debt shall be incurred for such purchase, and the amount paid for such land shall be paid from and shall not be in excess of, the amount received from the sale of land described in section one of this act.

Approved May 29, 1897. ,

[No. 223.]

AN ACT to amend section one hundred and eighty-five of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, as amended by act thirty-two of the public acts of eighteen hundred and eighty-five, relative to the providing of bonds in cases of appeals from justices of the peace, being section seven thousand of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one hundred and eighty-five of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, as amended by act thirty-two of the public acts of eighteen hundred and eighty-five, relative to the providing for bonds in cases of appeals from justices of the peace, being section seven thousand of Howell's annotated statutes, be and the same is hereby amended to read as follows:

Bond on ap-
peal, provi-
sions of.

SEC. 185. The party appealing under the provisions of the preceding section shall also, within five days after the rendition of the judgment, deliver to the justice a bond or recognizance to the adverse party, in conformity with the following provisions:

First, It shall be in a penalty not less than fifty dollars, and Amount.
not less than double the amount of the judgment, excluding
costs;

Second, It shall recite the judgment so far as to exhibit the Recital of
names of all the parties, the character in which they prose- judgment.
cuted or defended before the justice, the amount recovered,
and the name of the justice;

Third, It shall contain a condition that the appellant will Conditions.
prosecute his appeal with all due diligence, to a decision in the
circuit court, and that if a judgment be rendered against him in
such court, he will pay the amount of such judgment, includ-
ing all costs, with interest thereon, and if his appeal shall be
discontinued or dismissed, that he will pay the amount of the
judgment rendered against him, if any, in the justice's court,
including all costs, with interest thereon;

Fourth, It shall be executed by the appellant, with one or Who to exe-
more sufficient sureties, or by two or more sufficient sureties cute bond.
without the appellant. Such bonds or recognizances may
be taken by the justice by whom the judgment was
rendered, or by any other justice of the peace of the same
county, or by the county clerk of the same county: *Pro-*
vided, That no other justice of the peace or county clerk shall Proviso as to
approve any such bond or recognizance when approval thereof denial of
has been denied by the trial justice for or on account of the approval.
insufficiency thereof, and every justice of the peace who shall
refuse to approve any such bond or recognizance because of the
insufficiency thereof shall endorse such fact in writing upon
such instrument.

Approved May 29, 1897.

[No. 224.]

AN ACT to amend section eighty-seven of act number two
hundred six of the public acts of eighteen hundred and
ninety-three, as amended by act number one hundred fifty-
four of the public acts of eighteen hundred and ninety-five,
entitled "An act to provide for the assessment of property
and the levy and collection of taxes thereon, and for the col-
lection of taxes heretofore and hereafter levied; making such
taxes a lien on the lands taxed, establishing and continuing
such lien, providing for the sale and conveyance of lands
delinquent for taxes and for the inspection and disposition
of lands bid off to the State and not redeemed or purchased;
and to repeal act number two hundred of the public acts of
eighteen hundred and ninety-one, and all other acts and
parts of acts in anywise contravening the provisions of this
act."

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section eighty-seven of act number two hundred six of the public acts of eighteen hundred and ninety-three, as amended by act number one hundred fifty-four of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," be and the same is hereby amended so as to read as follows:

Tax accounts,
how adjusted.

Auditor Gen-
eral to make
quarterly
statement.

County treas-
urer to pay to
State.

Accounts be-
tween county
and town-
ships.

SEC. 87. The accounts between the State, county and each township shall be adjusted on the basis of crediting and paying to each the taxes collected by and for each with the interest thereon. The Auditor General shall, on the first days of January, April, July and October in each year, make a statement of account between the State and each county respectively, and render the same to the county treasurer of each county, and draw his warrant on the State Treasurer, payable to such county treasurer for all moneys in the State treasury collected for county, township, school, highway or any other purposes for such county or township or district thereof, and transmit such warrant to the county treasurer, and notice to the county clerk thereof. At the same time the county treasurers shall pay to the State all moneys collected and due from their respective counties to the State, as shown by such account so rendered by the Auditor General to be due the State: *Provided,* That on January fifteenth and each thirty days thereafter until the quarterly settlement for the quarter ending March thirty-first, shall have been made each year, the county treasurer shall pay to the State all moneys coming into his hands from the collection of said State tax. The county treasurer of each county shall on or before the first days of February, May, August and November in each year, make out a detailed statement of the account between the county and the several townships or cities, which statement shall show the different funds to which the several debits and credits belongs, and render the same to the township or city treasurer, and pay all moneys shown by such statement so rendered to be due the township or city, to the proper receiving officer of the township or city, and notify the township or city clerk of the items and total amount thereof, also a description of lands upon which such taxes were paid. The county clerk shall charge such amounts to the county treasurer, and the township or city clerks shall charge such amount to the township or city treasurers on the books of their respective offices.

Approved May 29, 1897.

[No. 225.]

AN ACT to amend sections fifty-four, fifty-seven, sixty-one, sixty-two, sixty-three, seventy, seventy-one, seventy-four, seventy-eight and seventy-nine of act two hundred six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien; providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one and all other acts and parts of acts in anywise contravening any of the provisions of this act," as amended by act one hundred fifty-four of eighteen hundred and ninety-five.

SECTION 1. *The People of the State of Michigan enact*, That sections fifty-four, fifty-seven, sixty-one, sixty-two, sixty-three, seventy, seventy-one, seventy-four, seventy-eight and seventy-nine of act number two hundred six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," be and the same is hereby amended so as to read as follows: Sections amended.

SEC. 54. Within one week after the time specified in his warrant, the township treasurer shall pay to the county treasurer, all State and county taxes collected. Settlement by township treasurer.

SEC. 57. When any county treasurer shall receive from a township treasurer a statement of unpaid taxes, together with a list of the lands on which the same are delinquent, verified according to law, such county treasurer shall enter the same at length on the books in his office, provided for that purpose, and he shall make a transcript of all the descriptions of land returned as delinquent for unpaid taxes, except such as may have been rejected by him, with the several taxes assessed upon such descriptions respectively, which transcript shall be compared by the county clerk with the statement of the county treasurer, and if the county clerk finds it to be a true transcript Record and transcript of delinquent taxes.

Certificate of county clerk as to correctness of transcript.

Return of transcript to Auditor General.

Petition for decree of sale.

What petition shall contain.

Verification.

State tax lands not included in petition.

Petition to be in record book.

Form of record book.

thereof, he shall add to it a certificate that he has, upon careful examination, found it correct. Such transcript, so made, compared and certified, shall be forwarded by the county treasurer to the Auditor General, by the first day of May next after the return of such statement; but such transcript shall be receivable at any time during said month of May, and the Auditor General is hereby authorized, when in his judgment it may be deemed expedient, to extend the time in which said transcript shall be returned to him.

SEC. 61. In sufficient time before the time fixed herein for the annual tax sale, the Auditor General shall prepare and file in the office of the county clerk in each county in which lands are to be sold under the provisions of this act, a petition addressed to the circuit court for said county in chancery, stating therein by apt reference to lists or schedules annexed thereto a description of all lands in such county upon which taxes have remained unpaid for more than one year after they were returned as delinquent, and the total amount of such taxes, with interest computed thereon to the time fixed for the sale thereof, and a collection fee of four per cent extended separately against each parcel of land, and he shall include with and add to such total amount against each parcel seventy cents for the cost of advertising and other expenses of sale. Such petition shall pray a decree in favor of the State of Michigan against said land for the payment of the several amounts so specified therein, and in default thereof that such lands be sold. It shall be signed by the Auditor General and need not be otherwise verified, and shall be deemed equivalent to a bill in chancery to enforce the lien for such taxes, interest and charges, averring their validity, that they have not been paid, and praying for a sale to pay such lien. Lands hereafter bid off in the name of the State and thus held shall not be included in such petition. The petition shall be in a substantial record book, with the lists of lands and taxes annexed following the same therein. Such record shall be ruled with appropriate columns, one containing a description of the lands, with columns for the total amount of taxes, interest and charges claimed due on each parcel of land opposite thereto; also with blank columns, one with heading, "Parts of descriptions paid before sale or withheld;" another, "By whom paid;" another, "Amount paid before sale;" another, "Amount decreed against lands;" another "Special orders;" another, "Interest in each parcel sold;" another, "Name of purchaser;" another, "Address of purchaser;" another "Number of certificate;" another, "Remarks." The Auditor General may add such other columns as he may find necessary. The word petition shall be construed to include the lists annexed thereto. Said record shall be called "tax record." Parts of descriptions of lands upon which taxes are paid before sale, or which are withheld from sale, the amount paid on taxes before sale, the amount of

taxes, interest and charges decreed against lands, special orders made by the court relating to any parcel of land or any tax, the interest in each parcel of land sold, the name of each purchaser and his address, and the number of certificate of sale shall be entered in said record under their appropriate headings, opposite to the description of lands affected thereby.

Sec. 62. It shall be the duty of the county clerk, on the filing of the said petition, to at once present the same to the circuit judge of the county in which said delinquent tax lands are situate, and it shall be the duty of said circuit judge to make an order in the form herein prescribed, which order, when so made and signed by the circuit judge, shall be countersigned by the county clerk as register in chancery, and recorded by him in the proper books of his office, and thereupon it shall be the duty of said county clerk to immediately make a true copy of said order, and transmit the same to the Auditor General. Said order shall be substantially in the following form:

County clerk
to present
petition to
judge.

Duty of cir-
cuit judge.

Clerk to trans-
mit copy of
order to Aud-
itor General.

STATE OF MICHIGAN, }
County of } ss.

The circuit court of the county of in chancery. Form of order.

In the matter of the petition of, Auditor General of the State of Michigan, for and in behalf of said State, for the sale of certain lands for taxes assessed thereon:

On reading and filing the petition of the Auditor General of the State of Michigan, praying for a decree in favor of the State of Michigan, against each parcel of land therein described, for the amounts therein specified, claimed to be due for taxes, interest and charges on each such parcel of land, and that such lands be sold for the amounts so claimed by the State of Michigan.

It is ordered that said petition will be brought on for hearing and decree at the term of this court, to be held at, in the county, State of Michigan, on the day of A. D. 18....., at the opening of the court on that day, and that all persons interested in such lands or any part thereof, desiring to contest the lien claimed thereon by the State of Michigan, for such taxes, interest and charges, or any part thereof, shall appear in said court, and file with the clerk thereof, acting as register in chancery, their objections thereto, on or before the first day of the term of this court above mentioned, and that in default thereof the same will be taken as confessed and a decree will be taken and entered as prayed for in said petition. And it is further ordered that in pursuance of said decree the lands described in said petition for which a decree of sale shall be made, will be sold for the several taxes, interest and charges thereon as determined by such decree, on the first Tuesday in May thereafter, beginning at ten o'clock

a. m. on said day, or on the day or days subsequent thereto, as may be necessary to complete the sale of said lands and of each and every parcel thereof, at the office of the county treasurer, or at such convenient place as shall be selected by him at the county seat of the county of, State of Michigan; and that the sale then and there made will be a public sale, and each parcel described in the decree shall be separately exposed for sale for the total taxes, interest and charges, and the sale shall be made to the person offering to buy for any given tax, and paying the full amount charged against said parcel, and accepting a conveyance of the smallest undivided fee simple interest therein; or, if no person will buy for any of said several taxes and pay the balance thereof, and take a conveyance of less than the entire thereof, then the whole parcel shall be offered and sold. If any parcel of land cannot be sold for taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be re-offered, and if on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same in the name of the State.

Witness the Hon., circuit judge, and the seal of said court of county, this day of, A. D. 18.

.,
Circuit Judge.

Countersigned,
.
Register.

Auditor General to designate newspapers to publish order.

SEC. 63. The newspapers in which such order and petition are to be published shall be designated by the Auditor General on or before the first day of September in each and every year, and not afterwards, unless the publisher of the paper so designated shall fail to accept such designation within fifteen days after the same is made, or shall refuse or neglect to publish and print such order and petition, or unless, from any other cause, such publication shall become impracticable; in which case the Auditor General shall designate some other paper for that purpose before the time limited for commencing such publication: *Provided*, That in counties where one or more newspapers have been printed and published more than one year prior to such designation of one of such papers shall be designated for the publication herein required.

Proviso as to what newspaper.

Sale of delinquent lands to commence when.

SEC. 70. On the first Tuesday of May, beginning at ten o'clock a. m., the county treasurer shall commence the sale of the lands mentioned in the decree upon which the amounts charged shall not have been paid, and shall not continue the same from day to day, Sundays and other legal holidays excepted, until so much of each parcel shall be sold as shall be suffi-

cient to pay such amounts. Each parcel described in the decree shall be separately exposed to sale for the total taxes, interest and charges, and the sale shall be made to the person offering to buy for any given tax and paying the full amount charged against such parcel, and accepting a conveyance of the smallest undivided fee simple interest therein. No greater interest in any parcel shall be sold than is sufficient to pay the amount of the tax on which the same is sold. If no person will buy for any of said several taxes and pay the balance thereof and take a conveyance of less than the entire thereof, then the whole parcel shall be offered and sold. The sale shall be at the county seat, at the office of or at such convenient place as shall be selected by the county treasurer, and shall be subject to the taxes assessed subsequent to taxes included in the decree and for the year for which the sale is made. The county treasurer may, in his discretion, require immediate payment of any person to whom any parcel of such land may be struck off, and in all cases where payment is not made in twenty-four hours after sale, he shall declare the bid canceled and sell the land again; and any person to whom any parcel of land shall be so struck off, neglecting for twenty-four hours after the close of such sale to pay to the county treasurer the amount of such bid, shall forfeit to the State five times the amount of such bid and costs of suit therefor, which amount may be recovered in the name of the people of the State of Michigan in an action of debt, in any court of competent jurisdiction, and it shall be the duty of the county treasurer and prosecuting attorney of the county to prosecute for all such delinquencies and penalties without unnecessary delay. Any subsequent bid of such person made at the sale may be disregarded by the treasurer. If any parcel of land cannot be sold for taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be re-offered; and if, on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same in the name of the State, for the State, county and township, in proportion to the taxes, interest and charges due each. And in such case the county, township, school and other taxes assessed on the lands so bid off to the State, and the interest and charges thereon, shall remain a lien upon said lands, and any person or persons who shall afterwards purchase such lands of the State, as State tax lands, or otherwise, shall be liable for and shall pay all taxes then remaining unpaid and assessed against such lands, together with the interest thereon at the rate of eight per cent per annum, and the collection fee and cost of advertising provided in section fifty-nine of this act, from the time said lands were returned delinquent for taxes until the time of such sale. The county treasurer shall enter in the proper columns of the tax record the interest in lands sold, the name and post-office address of each purchaser opposite each parcel of land

Parcels to be
separately
offered.

Interest to be
sold.

Sale to be at
county seat.

Immediate
payment
required.

Penalty for
non-payment.

Reoffer of
unsold
parcels.

County treas-
urer to pur-
chase, when.

Taxes and
charges to
continue a
lien.

Entry of sale,
etc., in tax
record.

Certificates of sale.	sold and the word "State" opposite each parcel bid off in the name of the State. Certificates shall be given to each purchaser of the lands and interests bid off by him, showing the year and the tax for which he has purchased, and also the amount thereof, and of all other taxes paid by him at the time of such purchase, stating that he will be entitled to a deed after the period of redemption provided for in section seventy-four has expired, and that if the sale is not confirmed the money will be returned. As soon as possible after the conclusion of any sale, and within twenty days after the day named in the notice for the commencement thereof, the county treasurer shall make and file with the clerk of the court a report of such sale, therein referring to such tax record for the particulars thereof. All sales shall stand confirmed, subject to the right of redemption provided for in section seventy-four, unless objections thereto are filed within eight days after the time limited for filing such report, without the entry of an order or further notice. The practice with reference to setting aside such sale shall be the same so far as applicable, as in a sale in equity on the foreclosure of mortgages: <i>Provided</i> , No sale shall be set aside for inadequacy of price, except upon payment of amount bid upon such sale with interest and costs: <i>And, provided further</i> , That no sale shall be set aside after confirmation, except in cases where the taxes were paid, or the property was exempt from taxation. In such cases the owner of such lands may move the court at any time within one year after he shall have notice of such sale to set the same aside and the court may so order upon such terms as may be just. As soon as sales are confirmed, the county treasurer shall make full reports of the same to the Auditor General, giving a description of property sold, the amounts for which the same was sold, and the name of the purchasers, and thereupon the Auditor General shall, after the period of redemption provided in section seventy-four, has expired, execute deeds to the purchasers in such form as shall be determined by him. All lands bid off in the name of the State shall continue liable to be taxed in the same manner as if they were not the property of the State, except as hereinafter provided. If from any cause the lands or any parcel thereof decreed for sale by the Auditor General shall not be sold as advertised, it shall be the duty of the Auditor General to cause sale to be made at such other time as he may fix for that purpose, of which notice shall be published at least four weeks prior to such day, and such notice shall contain a description of the lands and the amount claimed thereon, as hereinbefore provided in the first instance. The sale and all proceedings thereon shall be the same as if made on the first day fixed therefor: <i>Provided</i> , That if any parcel sold under the provisions of this section shall also be offered at the same sale as State tax lands, the purchaser must also at the same time become the purchaser from the State tax land list, and pay the taxes, interest and charges remaining
Report of sale.	
When sales stand confirmed.	
Practice in setting aside sale.	
County treasurer to report sales.	
Auditor General to execute deeds.	
When lands to be re-advertised.	
Purchaser must also take from State tax land list.	

unpaid thereon, and must pay all the remaining taxes assessed for the year for which he purchased, with interest thereon. All sales made in contravention of this requirement shall be void. The several county treasurers shall receive on such sale, only such funds as shall be receivable at the State treasury, and all moneys received at any tax sales that belong to the State shall be paid into the State treasury, and the expenses of advertising and sale shall be paid therefrom on the warrant of the Auditor General, and the remainder shall be placed to the credit of the general fund.

When sale
is void.

Money paid
into State
treasury.

SEC. 71. At the sale aforesaid the respective county treasurers shall give to the purchasers, on the payment of the bids, a separate certificate in writing for each parcel, describing the lands purchased and the amount paid therefor, the name of the person to whom the same was issued, the number, date and amount of each certificate, and such certificate shall be regularly numbered and entered in the book kept for that purpose and designated as the tax record. Such certificate shall be in substantially the following form:

Certificate to
be given pur-
chaser.

STATE OF MICHIGAN, }
County of } ss.

County Treasurer's Office,, A. D. eighteen
hundred

Form of
certificate.

I,, county treasurer of the county of, in said State, do hereby certify that I did, at public auction, pursuant to notice given as by law required, on this day of..... A. D. eighteen hundred sell to of, the lands herein described, for the sum of dollars and cents, said sum being the amount due and unpaid for taxes, interest and charges on said lands for the year of our Lord one thousand eight hundred and, that the said, his heirs or assigns, will, if said sale stands confirmed, be entitled to a deed of conveyance of said lands, after the first Tuesday in May in the year following the sale thereof as herein evidenced, unless sooner redeemed from such sale according to law. Said lands are described as follows, with the sum for which they were sold, set opposite each description, that is to say: (Here insert description, and the amount bid therefor).

.....
County Treasurer.

SEC. 74. Any person owning any of the lands sold as aforesaid, or any interest therein, may, at any time before the first Tuesday in May in the year following such sale, redeem any parcel of such lands or any part or interest in such lands, [by] showing to the satisfaction of the county treasurer or Auditor

Redemption
of lands,
when may
be made,

County treasurer to issue redemption certificate.

To be noted in tax record.

General that he owns only that part or interest in the same which he proposes to redeem, by paying to the county treasurer or Auditor General the amount of the sale of the parcel of land, or the portion thereof wished to be redeemed, and interest thereon from the date of such sale. Upon the payment of the redemption money and interest thereon at eight per cent per annum to the county treasurer as aforesaid, he shall issue a [redemption] redemption certificate in duplicate in such form as may be prescribed by the Auditor General, both of which certificates shall be countersigned by the county clerk, who shall make an entry of the number of such certificate, the amount for which it was given, and the name of the person paying the same, one of which certificates shall be delivered to the person making such redemption payment, and the other shall be immediately transmitted to the Auditor General. The county treasurer shall also make a minute of such redemption certificate in the tax record book kept in his office, with the name of the payee, the date and amount paid. Such certificate or the duplicate, and the entry thereof by the clerk or the county treasurer shall be evidence of such redemption payment in the courts of this State. In case any such lands are redeemed at the office of the Auditor General, a notice containing all the above facts shall be sent to the county treasurer of the proper county, who shall cause the proper entries to be made on the tax record of his county and in the office of the county clerk.

State tax lands to be offered, when.

Statement as to State tax lands to be furnished to county treasurer.

SEC. 78. All lands heretofore or that may be hereafter bid off to the State for taxes, which have not been redeemed or otherwise disposed of, shall be offered for sale by the county treasurer at the regular annual tax sales provided to be held under the provisions of this act. The Auditor General shall furnish to each county treasurer in the month of April prior to the month of May in the year in which such tax sales are held as provided in this act, a statement of all lands in his county that may have been bid in for the State, then remaining unredeemed or not otherwise discharged. Such statement shall exhibit the aggregate amount of all sums due on each description of land, including interest thereon at the rate of eight per centum per annum from the time the land was bid in to the State until the time of said annual tax sale heretofore provided for by this act.

Notice of sale.

Requirements and conditions of sale.

SEC. 79. The Auditor General shall cause to be published for four weeks successively, which shall be construed to mean four publications once a week, next previous to the first Tuesday in May in the years provided for in this act, a notice that the lands described in such statement will be offered for sale at public auction at the time and place designated for the regular tax sales. At the time and place designated in the notice, the county treasurer shall proceed to sell said lands last mentioned and continue the same from day to day, except Sundays, until the whole have been offered, and any person

bidding on any of said lands, shall be subject to the requirements, provisions and penalties of section seventy of this act.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 226.]

AN ACT to amend section sixteen of chapter nine of the compiled laws of eighteen hundred and seventy-one, as amended by section sixteen, act number sixty-one of the public acts of eighteen hundred and seventy-seven, being section four hundred and fifty-two of Howell's annotated statutes, approved April twentieth, eighteen hundred and eighty-seven, relative to county buildings and furnishing same.

SECTION 1. *The People of the State of Michigan enact*, That section sixteen of chapter nine of the compiled laws of eighteen hundred and seventy-one, as amended by section sixteen, act number sixty-one of the public acts of eighteen hundred and seventy-seven, being section four hundred and fifty-two of Howell's annotated statutes, approved April twentieth, eighteen hundred and seventy-seven, relative to county buildings and furnishing same, be and is hereby amended so as to read as follows: Section amended.

SEC. 16. Each organized county shall, at its own cost and expense, provide at the county seat thereof a suitable court house, and a suitable and sufficient jail and fireproof offices, and all other necessary public buildings, and keep the same in good repair. That before the plan of any jail which has been duly authorized to be built shall be determined or accepted, or contracted for, such plans shall be submitted to the State Board of Corrections and Charities for its examination and opinion, and such State board shall carefully examine and give the benefit of its study and experience in such matter to the counties submitting such plans and report its opinion to the county clerk of the county so submitting plans, and no contract for the erection of any county jail shall be valid or binding, nor shall any money be paid out of the county treasury for the construction of a jail until such opinion has been duly filed with the county clerk of the county submitting such plans. County to provide suitable buildings.

Plan of jail to be submitted to State Board of Corrections.

Approved May 29, 1897.

[No. 227.]

AN ACT to define the duties and liabilities of hotel keepers and inn keepers with relation to the personal property of their guests.

Limiting
liability of
hotel keepers
for loss by
guests.

SECTION 1. *The People of the State of Michigan enact, That* the liability of the keeper of any hotel or inn for loss or injury to the personal property of any guest, other than that described in section two thousand ninety-five of Howell's annotated statutes, or for such a reasonable amount of clothing as is usual, common or prudent for such guest to carry with him, shall be limited to the sum of five hundred dollars unless previous to such loss or injury notice of the value of such property be given to the proprietor or manager of the hotel or inn where the loss or injury shall occur.

Approved May 29, 1897.

[No. 228.]

AN ACT to amend section three (3) of article three (3) of act one hundred and ninety-eight (198), session laws of eighteen hundred and seventy-three, as amended by act forty-five (45), public acts of eighteen hundred and seventy-nine, as amended by act one hundred and seventy-four (174), public acts of eighteen hundred and ninety-one, as amended by act one hundred and twenty-nine (129), public acts of eighteen hundred and ninety-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all said roads and other corporations, owning or operating any railroad in this State," approved May one, eighteen hundred and seventy-three, being compiler's section three thousand three hundred and sixty(3360) Howell's annotated statutes of Michigan.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three (3) of article three (3) of act one hundred and ninety-eight (198), session laws of eighteen hundred and seventy-three, as amended by act forty-five (45), public acts of eighteen hundred and seventy-nine, as amended by act one hundred and seventy-four (174), public acts of eighteen hundred and ninety-one, as amended by act one hundred and twenty-nine (129), public acts of eighteen hundred and ninety-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the run-

ning and management, and to fix the duties and liabilities of all said roads and other corporations, owning or operating any railroad in [this] the State," approved May one, eighteen hundred and seventy-three, being compiler's section three thousand three hundred and sixty (3360), Howell's annotated statutes of Michigan, be and the same is hereby amended so as to read as follows:

SEC. 3. Every railroad company and union railroad station and depot company owning or operating any railroad situated in whole or in part in this State, shall, on or before the first day of July in each year, pay to the State Treasurer, on the statement of the Auditor General, a specific tax upon the property and business of such railroad corporation operated within the State, which tax shall be computed in the following manner, [viz.], namely: Upon all such gross income not exceeding two thousand dollars per mile of road actually operated within this State, two and one-half per cent of such gross income; upon such gross income in excess of two thousand dollars and not exceeding four thousand dollars per mile, three and one-fourth per cent thereof; upon all such gross income in excess of four thousand dollars and not exceeding six thousand dollars per mile, four per cent thereof; and upon all such gross income in excess of six thousand dollars per mile, and not exceeding eight thousand dollars per mile, four and one-half per cent thereof; and upon all such gross income in excess of eight thousand dollars per mile of the road so operated, five per cent thereof; that all gross income of union railroad station and depot companies whose earnings are in excess of twenty thousand dollars per mile shall pay on all such gross incomes in excess of twenty thousand dollars per mile of road so operated, ten per cent thereof. And when the railroad lies partly within and partly without this State, *prima facie*, the gross income of said company from such road for the purposes of taxation shall be on the actual earnings of the road in Michigan, computed by adding to the income derived from the business transacted by said company entirely within this State, such proportion of the income of said company arising from interstate business, as the length of the road over which said interstate business is carried in this State bears to the entire length of the road over which said interstate business is carried. The taxes so paid shall be in lieu of all other taxes upon the properties of such companies, except such real estate as is owned and can be conveyed by such corporations under the laws of this State, and not actually occupied in the exercise of its franchises, and not necessary or in use in the proper operation of its road, but such real estate so accepted shall be liable to taxation in the same manner, and for the same purposes, and to the same extent, and subject to the same conditions and limitations as to the collection and return of taxes thereon, as is other real estate in the several townships or municipalities within which the same may be situated.

Specific tax to be paid by railroad companies.

Rate of taxation.

When railroad lies partly in other states.

Taxes so paid to be in lieu of all other taxes, except real estate.

Acts repealed. All acts or parts of acts contravening the provisions of this section of this act are hereby repealed.
Approved June 4, 1897.

[No. 229.]

AN ACT to amend act number two hundred six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," by adding thereto four sections, to be known as sections one hundred and forty, one hundred and forty-one, one hundred and forty-two and one hundred and forty-three, providing for the giving of notice by tax purchasers to the occupants or persons having title to, or interest in such lands, of the fact of such sale; and providing the terms upon which such occupant or other person interested in such lands may obtain reconveyance thereof.

Act amended. SECTION 1. *The People of the State of Michigan enact,* That act two hundred and six of the public acts of eighteen hundred and ninety-three, being "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State, and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act, be and the same is hereby amended by adding thereto four sections to be known as sections one hundred and forty, one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three, as follows:

Writ of assistance not to be issued until personal service has been made.

SEC. 140. No writ of assistance or other process for the possession of any land, the title to which has been obtained under and in pursuance of any tax sale hereafter made or of any sale of State tax lands or State bids hereafter made, except

where such title shall be obtained under the provisions of section one hundred and thirty-one of this act, shall be issued, until six months after there shall have been filed with the county clerk of the county where the land is situated a return by the sheriff of said county, showing that he has made personal service or until substituted service as hereinafter provided has been made upon the grantee or grantees under the last recorded deed to said land and upon the mortgagee or mortgagees named in the last recorded mortgage or any assignee thereof of record of a notice which shall be in the following form:

To the owner or owners of the land herein described, and to the mortgagee or mortgagees named in the last recorded mortgage against said land, or any assignee thereof of record,

Form of
notice.

Take notice that sale has been lawfully made of the following described land for unpaid taxes thereon, and that the undersigned has title thereto under tax deed issued therefor, and that you are entitled to a reconveyance thereof at any time within six months after service upon you of this notice, upon payment to the undersigned of all sums paid upon such purchase, together with one hundred per cent additional thereto, and the fees of the sheriff for the service of this notice, to be computed as upon personal service of a declaration as commencement of suit, and the further sum of five dollars for each description, without other additional costs or charges. If payment as aforesaid is not made, the undersigned will institute proceedings for possession of the land.

Descriptions Amount paid Tax for 189

(Signed)

Place of business

Provided, That if the grantee or grantees or the person or persons holding the interest in said lands as aforesaid shall be residents of any county in the State other than the county in which the land is situated, then such return as to such persons shall be made by the sheriff of the county where such person or persons reside: *Provided further*, If any grantee or grantees or the person or persons holding the interest in said lands as aforesaid, shall be non-residents of this State, if from the said record aforesaid or from inquiry, the sheriff can obtain the postoffice address of such grantee or grantees or the person or persons holding the interest in said land as aforesaid, or if the said address be known to him, he shall send to such person or persons aforesaid a copy of said notice by registered letter, and return the receipt or receipts received for said letter or letters with his return to the county clerk's office.

When owners
residents of
other
counties.

When owners
are not resi-
dents of this
State.

SEC. 141. Any grantee or grantees under the last recorded deed to such land or any mortgagee or mortgagees named in the last recorded mortgage or any assignee thereof of record

Grantee, etc.,
entitled to re-
conveyance,
when.

Reconvey-
ance to mort-
gagee not
absolute
title.

Application
for writ of
assistance to
show what.

Purchaser to
take posses-
sion when.

at the time of the giving of said notice, as provided in section one hundred and forty of this act, shall be entitled to receive from the person so claiming under and by virtue of such tax deed, at any time within six months after the personal service of such notice or the date of mailing said notice by registered letter as so provided, a reconveyance of such interest in such lands so held, upon payment to the grantee under such tax deed of the amount paid upon such purchase, together with one hundred per cent in addition thereto, and the lawful fees for such personal service, which fees shall be the same as provided by law for service of subpoenas, or the cost of such service by registered mail and the further sum of five dollars for each description without additional cost or charge: *Provided*, That any person or persons, to whom the notice herein provided for is to be given shall at any time, before such notice is so given, be entitled to a reconveyance of any such lands to the parties in interest as appears of record on the payment to such person or persons claiming title under and by virtue of any such tax deed, of the amount paid upon such purchase together with one hundred per cent in addition thereto, and the further sum of five dollars for each description: *Provided further*, If any reconveyance is made to any mortgagee or mortgagees or assignee thereof, that such conveyance shall not operate as an absolute conveyance of the title to such lands but shall be considered and treated as an additional lien upon said lands and shall be added to the amount of such mortgage and the mortgagor or person or persons claiming under him shall be entitled to a reconveyance of the tax title interest in such land from said mortgagee or mortgagees, or assignees thereof, upon the payment of all sums so paid to such person or persons claiming under any such tax deed, with interest thereon at the rate of six per cent per annum, from the date of such payment, and such reconveyance shall in no way operate as a release or discharge of such mortgage lien: *Provided further*, That any such application for a writ of assistance shall show that such applicant has complied with the provisions of this act, as to the giving of notice as herein directed, and he shall attach to such application a copy of the notice aforesaid and the return of the sheriff serving the same, or the registry receipt or receipts from the registry department of the postoffice, showing that such notice has been served by registered mail.

SEC. 142. No purchaser under any tax sale hereafter made, or of any State tax land or any State bid hereafter sold, shall enter into possession of the land so purchased until six months after he has given notice to the party or parties in interest as provided for in the preceding sections unless he shall have acquired from said parties their title thereto under conveyance from said party or parties of his or their interest in said land.

SEC. 143. Every person personally served as aforesaid and every person lawfully chargeable with notice by registered mail, as herein provided for, together with the heirs, executors, administrators or assigns of such person, who shall refuse or neglect to pay or tender to the purchaser as aforesaid, the sum provided for in this act within the time therein limited, shall be barred from questioning the validity of such tax title or tax deed thereafter.

Owners neglecting to pay shall not question validity of tax title.

Approved June 2, 1897.

[No. 230.]

AN ACT to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons not less than five desiring to form a corporation for the purpose of owning, maintaining and improving lands and other property for the purposes of a summer resort or a park for ornament, recreation or amusement in any city, village or township of this State, may, by articles or agreement in writing under their hands and seals associate for such purpose under the name to be assumed by them in their articles of association: *Provided*, That no two corporations shall assume the same name.

Five or more persons may form corporation.

Proviso.

SEC. 2. Such articles of association shall be signed by the persons associating in the first instance, and be duly acknowledged before some officer of this State, authorized by the laws of this State to take acknowledgment of deeds, and shall set forth:

Articles to be duly acknowledged.

First, The name by which the corporation shall be known in the law;

Name.

Second, Definitely and distinctly the purposes for which the corporation is formed;

Purpose.

Third, The amount of the capital stock, which shall in no case be more than one hundred thousand dollars, and the number of shares thereof which shall be of the par value of twenty-five dollars;

Amount of capital stock and shares.

Fourth, The names of the stockholders; their respective residences, and the number of shares held by each;

Stockholders and number of shares.

Fifth, The city, village or township where the office of the corporation shall be located;

Where office to be located.

Sixth, The term of existence of such corporation which shall not exceed thirty years;

Term of existence.

Number of directors.
Articles to be filed in office of Secretary of State and county clerk.

Shall be a body corporate.

Corporate powers.

May sue and be sued.

When may amend articles of association.

Amendment to be certified by president and secretary.

Copy of articles to be prima facie evidence of due incorporation.

Certificates of stock to be signed by president and secretary.
Each stockholder shall cast one vote for each share of stock.

Seventh, The number of directors of the corporation.

SEC. 3. The articles of association shall be filed in the office of the Secretary of State, and a duplicate of said articles shall be filed and recorded at length, in the office of the county clerk in the county where the lands of such corporation are located, and also in the county where the office of the corporation is located, and thereupon all persons who shall have subscribed the same, and all persons who shall from time to time become stockholders in such corporation, shall be a body politic and corporate, by the name specified in such articles, and by such name they and their successors shall have succession and in their corporate name be capable in law of owning, holding or purchasing and disposing of, in such manner as a majority of the stockholders may direct, any real or personal property or estate whatsoever, not exceeding three hundred and twenty acres of land and personal property not exceeding in value the sum of one hundred thousand dollars, and in connection therewith, may own, maintain, control and operate, a hotel, club house or other buildings for the entertainment, comfort or convenience of the stockholders of said corporation, and they shall be capable of suing and being sued in all courts of law or equity in this State, and may have a common seal, and may alter and change the same at pleasure. Such corporation may alter or amend its articles of association at any regular meeting of the stockholders, or at any special meeting called for that purpose, by a vote of not less than two-thirds of all the shares of the capital stock of said corporation. Such corporation shall cause any such amendment or amendments to be certified by its president and secretary, and filed and recorded in the same manner as in the case of the original articles of association, and when so filed and recorded, such amendments shall become a part of the articles of association.

SEC. 4. A copy of any articles of association filed and duly recorded in the office of the Secretary of State duly certified and a copy of any articles of association duly filed and recorded in any county clerk's office in pursuance of this act and certified by the county clerk under his hand and seal, to be a true copy thereof, and the whole of such articles of association shall be in all courts and places *prima facie* evidence of the due incorporation of such company, and of the facts therein stated.

SEC. 5. All certificates for capital stock shall be signed by the president and secretary of the company, and sealed with the corporate seal. Each stockholder shall be entitled to cast one vote for each and every share he shall own of the capital stock of such company, at any and all meetings of stockholders of said corporation for whatsoever purpose the same may be held, and may vote or perform any act by his or her attorney or proxy duly authorized in writing for that purpose at any meeting at which such stockholder may vote or act if present in person, which power of attorney or proxy shall be filed with the secretary of said company.

SEC. 6. Every such corporation shall hold its annual meeting of stockholders between the first Monday of February and the last day of August of each year as its by-laws may provide. Notice of the time and place of such meeting shall be given by the secretary by causing the same to be published in some paper published and circulated in the county where the principal office of such corporation is located, at least once in each week successively for four weeks prior to the time fixed for such meeting: *Provided*, That such notice may be given personally, in writing, or by mailing the same to each stockholder, addressed to him at his place of residence shown on the books of said company, in which case no publication shall be necessary: *And provided further*, That if, for any reason, such annual meeting is not held, the corporation shall not for that reason be dissolved.

Annual meeting when held.

Notice of meeting, how given.

Proviso.

SEC. 7. At each annual meeting such corporation shall make a report to the stockholders, signed by a majority of the board of directors, verified by the oath of the president and secretary of said corporation, containing:

Directors to make annual report.

First, The amount of capital actually paid in;

Capital.

Second, The amount invested in real estate, with a general description of the same;

Real estate.

Third, The amount of personal estate, with a general description thereof;

Personal property.

Fourth, The amount of their debts and credits as near as may be;

Debts and credits.

Fifth, A general condensed statement of their business and financial condition;

Financial condition.

Sixth, The name of each stockholder and his residence and the number of shares held by him as appears by the books of said corporation at the date of such report; and if any person shall knowingly swear or affirm falsely in said report, he shall be deemed guilty of perjury, and punished accordingly.

Number of shares.

False swearing deemed perjury.

SEC. 8. When any corporation shall be formed under the provisions of this act, any two of those associated may call the first meeting of such corporations, at such time and place as they may appoint, giving notice as is provided in section six of this act: *Provided*, That such notice shall not be necessary when all of those associated shall by writing entered in the minutes of such meeting waive such notice and consent to act at such meeting.

First meeting of corporation.

Proviso.

SEC. 9. The board of directors shall consist of not less than three nor more than nine members as the articles of association shall determine, who shall be stockholders of the corporation. The full number of said board of directors shall be elected at the first meeting of such corporation and shall be divided into three equal classes; the first class shall hold their office for one year; the second class for two years and the third class for three years, and at each annual meeting thereafter, one-third of the total number of directors shall be elected who shall hold their office for three years and until their succes-

Board of directors, number of.

When elected term of office.

Majority
sufficient
to elect.

Vacancies.
Majority a
quorum.

Directors to
have manage-
ment of the
business.

Limit of ex-
penditure.

President,
secretary and
treasurer.

Term of office.

Stockholders
to make
by-laws.

Water to be
kept in good
sanitary
condition.

License neces-
sary to carry
passengers
and baggage
on grounds.

Protection
from fire.

Contagious
diseases.

sors shall be elected. At any such election, a majority of the votes cast shall be sufficient to elect. Whenever a vacancy shall happen in the board of directors, such vacancy shall be filled by the remaining directors, such appointee to hold office until the next annual meeting, at which meeting there shall be elected by the stockholders a director to fill the unexpired term. If any director shall cease to own any stock of said corporation, he shall cease to be a director. A majority of the directors shall be a quorum for the transaction of business.

SEC. 10. The board of directors shall have the management and control of the stock, business, finances, rights and interests, buildings and all property, real and personal, of the corporation, and shall have jurisdiction over the lands of the corporation and all streets, alleys and highways passing through and over the same, or which said corporation may cause to be constructed, laid out or maintained therein, and the water within and in front of said lands and premises. The board of directors shall in no case in any one year, authorize any expenditure or incur any liability on behalf of such corporation to exceed one thousand dollars, unless authorized by a majority of all of the shares of stock by said corporation in a meeting duly assembled.

SEC. 11. The directors shall choose from their number, by ballot or otherwise, a president, secretary, and treasurer, and the latter two offices may be held by the same person, and shall have power to appoint and employ such other subordinate officers, agents, servants or employes as the by-laws of the corporation shall designate, or such as shall be necessary to the proper accomplishment of the purposes of the corporation, and such board of directors shall have the power to remove such president or other officer of such corporation, or agents or employes, for cause, and appoint others in their places; such officers shall be elected annually and shall hold their offices for one year, and until their successors shall be elected.

SEC. 12. The stockholders shall have the power to make such reasonable by-laws not inconsistent with the laws of this State, or of the United States, as they shall deem proper for the management, control and disposition of the property, affairs and concerns of said corporation and may by such by-laws provide that the water within and in front of the lands and premises of such corporation shall be kept in a good sanitary condition, and by such by-laws, empower the board of directors of such corporation to prohibit any persons from carrying on the business of carrying goods, baggage or passengers on the lands of the association or the highways, streets or alleys thereof without a license from said board of directors first being had; to provide for the protection of the property of such corporation and occupants of its lands and premises from loss or damage by fire; to protect the occupants of its grounds from contagious diseases and to remove therefrom any and all

persons afflicted with any such disease; to prevent and prohibit on its grounds vice and immorality, and the selling of any spirituous or fermented liquors; to prohibit and abate all nuisances; to compel persons occupying any part of its said lands and premises to keep the same in good sanitary condition and to regulate the erection of buildings on the lots assigned and leased to the stockholders, and may provide that the capital stock of such corporation shall not be transferred without the consent of the board of directors first being had; and may provide rules and regulations for the management, control and maintenance of any hotel, club house or other buildings for entertainment, comfort or convenience of said corporation and its stockholders, and may regulate and determine the persons and number thereof which may be entertained or cared for at such hotel, club house or other building. All such by-laws, rules and regulations may be altered or amended by the stockholders in a meeting assembled at their will and pleasure.

Prevent vice and selling of liquors.

Regulate erection of buildings.

Rules for hotel or club house.

By-laws may be amended.

SEC. 13. It shall be the duty of the directors of any such corporation to cause proper books to be kept by the secretary and treasurer, containing the names of all persons who are stockholders, together with their places of residence, and wherein shall be entered all matters and things pertaining to the affairs and business of said corporation, and just and true books of account; and the books of said corporation containing their business accounts shall at all reasonable times be open for the inspection of any of the stockholders: *And provided,* that no transfer of the certificate of the stock of such corporation shall be valid without the name being duly entered of the person to whom transferred on the books of the corporation, and the rules and by-laws of such corporation relating thereto being complied with.

Books of corporation to be open to inspection of stockholders.

Proviso.

SEC. 14. The stock of every such corporation shall be deemed personal property, and may be transferred as shall be prescribed by this act and by the by-laws of the corporation, and such corporation shall at all times have a lien upon all the stock or property of its members invested therein, for all debts due from them to such corporation, which lien may be enforced by a sale of such stock under the provisions of section fifteen of this act. The directors of any such company may from time to time receive subscriptions to stock in said company until the whole amount of the stock of the association shall be subscribed, but no certificate of shares in any such company shall be issued until the whole amount of the shares mentioned in such certificate shall have been paid in full to the company.

Stock deemed personal property.

Corporation to have a lien on stock for debts due.

Directors may receive subscriptions to stock.

SEC. 15. The directors may require the subscribers to the capital stock of the corporation to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall neglect or refuse to pay any installment as required by a resolution of the board of directors, the said corporation may

Subscribers to capital stock required to pay, when.

Stock of delinquent stockholder may be sold.

sue for the same in any proper action for that purpose, or so much of the stock of such delinquent stockholder as may be necessary to pay such installment so due may be sold by the directors at public auction at the office of the corporation, giving at least thirty days' notice of such sale in some newspaper published in the county where said office is located if there is a newspaper published in such county; if not, then in some newspaper published in some adjoining county; and in case of the sale of said stock, the proceeds thereof shall first be applied in payment of the installment called for and the expenses of the sale and the residue, if any, shall be returned to the delinquent stockholder. Such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so purchased.

Annual dues. SEC. 16. It shall be lawful for the board of directors to provide for the payment by each stockholder of annual dues under such rules and regulations as shall be provided by the by-laws of such corporation, such annual dues and all sums realized thereby to be used for the purpose of paying the expenses attending the care, management and control of the grounds and property kept, occupied or used for the purposes set forth in the articles of association: *Provided*, That such annual dues shall not exceed the sum of ten dollars in any one year, to be levied upon any one share of stock: *And provided further*, That where the holding, ownership, or use and occupation of a lot as platted on said grounds shall be connected with or attached to the holding of any number of shares of stock, then the total amount levied for annual dues upon such shares of stock to which the holding, ownership, or use and occupation of a lot so attached shall not exceed the total sum of fifty dollars in any one year. The payment of such annual dues may be enforced by said corporation by some proper action at law, or by a sale of the shares of stock against which the same is assessed in the manner provided in section fifteen of the act for the collection of installments of subscriptions to the capital stock.

Proviso.

Dues not to exceed fifty dollars a year.

Corporation may force payment of dues.

Stockholders to be liable for labor jointly or individually.

May recover from corporation.

SEC. 17. The stockholders of all corporations formed under this act shall be jointly, severally and individually liable for all labor and services performed for such corporation, which said liability, founded on this [statute], statute, may be enforced by a suit at law in an action of assumpsit, at any time after an execution in favor of the plaintiff shall be duly returned unsatisfied in whole or in part against said corporation: *Provided, always*, That if any or several of said stockholders shall, by any such proceedings, be compelled to pay any such sum to creditors, he or they may recover the same in full of the corporation, or may compel the stockholders jointly or severally, or any number of them, to contribute ratably to reimburse him or them, in any action at law or in chancery.

SEC. 18. All corporations formed under the provisions of this act shall annually, between the months of March and the end of the succeeding August, make a report which shall state the amount of the capital stock actually paid in and the amount of money borrowed if any, which report shall be signed by a majority of the directors and verified by the oath of the president or secretary and be filed in the office of the clerk of the county where its articles are filed and in the office of the Secretary of State.

Corporation to make annual report to be filed with county clerk and Secretary of State.

SEC. 19. Service of any summons, declaration, notice or other process or paper, upon any corporation formed under this act, may be made on the president, secretary or treasurer, if either are to be found within any county where the articles of association are filed; if neither of them can be found therein, then such service may be made by posting a true and certified copy thereon, in some conspicuous place, at the general office of said corporation.

Service of process, etc., upon whom.

SEC. 20. If the by-laws of any such corporation shall provide that the stockholders shall be entitled to select a lot on the lands of said corporation for the purpose of building thereon, it shall be the duty of the directors to cause the lands of said company to be surveyed and platted by a civil engineer, surveyor or other competent person, and to cause a true map or plat thereof to be made. Such map or plat shall in every case be made on a scale not less than two hundred feet to an inch, on sheets of good muslin backed paper eighteen inches by twenty-four inches in size. There shall be written upon the paper on which said map or plat shall be made, a full and detailed description of the land embraced in said map or plat, showing the township and range in which such land is situated, and the sections and parts of sections platted and containing the name of the corporation which is the proprietor thereof, and of the engineer, surveyor or person making said map or plat with the date on which the same is made. The same shall be signed by such corporation by its president and secretary, and the engineer, surveyor or person making the same, and shall be witnessed and acknowledged by such proprietor in the same manner as deeds conveying lands are required to be witnessed and acknowledged. The sections and parts of sections platted shall also be designated by the lines drawn upon such map or plat with appropriate letters and figures, and in case of a subdivision of lots or blocks of a previous survey, the outlines of the original or previous lots or blocks so subdivided shall be designated by lines drawn upon such map or plat and shall be marked with appropriate letters and figures. There shall also be on such map or plat, a plain designation of the cardinal points and a correct [sale] scale. The map or plat shall be recorded in the office of the register of deeds of the county in which the land platted is situated. For the purpose of such recording, the said proprietor shall cause to be made by a civil engineer, surveyor or other

When building allowed lands to be platted.

Description of plat or map.

Plat or map shall be signed and acknowledged.

How lots or block to be laid out.

Plat to be recorded in the office of the register of deeds.

competent person on the same scale and on paper of the same size and quality as that on which the original map or plat is drawn, an exact duplicate of said map or plat with the detailed description, signatures, witnesses and acknowledgment as above specified. When such map or plat shall conform or shall be made to conform in all respects to requirements of this act, the register and said engineer, surveyor or person who made the same shall each carefully compare said copy with said original map or plat, and if correct, or when made correct, it shall be certified by the said register and said engineer, surveyor or person who made the same, who shall certify that they have carefully compared the same with said map or plat and that it is an exact copy thereof and the whole of such original map or plat. The said register shall then securely fasten the said copy in the book provided by the laws of this State for the recording of town plats, and such copy so fastened in said book, shall be held and taken to be a record of the said map or plat with a like effect as if the said map or plat had been actually transcribed by said register in a book in his office, but in no case shall any such map or plat be recorded until it shall be made to conform to all the requirements of this act. The register shall certify on such map or plat when it was recorded as aforesaid with reference to the book or page where recorded, and shall note in such record, the time when made, and keep an index thereof the same as required by the laws of this State relating to township plats. The original map or plat with a certificate of record endorsed thereon, the record thereof made as aforesaid, or a properly certified transcript of such record shall be received in all courts of this State as *prima facie* evidence of the making and recording of such map or plat in conformity with the provisions of this act. For all service by this act required to be performed by a register of deeds in respect to any such map or plat brought into his office for record, said register shall be entitled to receive the sum of two dollars which shall be paid by the proprietor of the ground platted: *Provided*, That the making and recording of said plat in the manner aforesaid shall not operate or be construed to dedicate or surrender to the public in any manner whatsoever or any part or portion of the lands so platted: *And provided further*, That all streets, avenues, alleys, parks or public places laid out and designated on such plat, shall be and remain at all times for the common use, benefit and advantage of all of the stockholders of such company, and shall not be changed, vacated or altered except on a vote of four-fifths of the shares of stock of said corporation at a meeting duly called for that purpose.

Duplicate to be made to be recorded.

To be an exact copy.

Copy shall then be filed with register of deeds.

Register shall certify when recorded.

Original map shall be prima facie evidence of making of such map.

Fee of register of deeds.

Proviso.

Streets, avenues, e/c., not to be altered except by vote of four-fifths of the shares of stock.

Corporation may provide manner in which the lots may be assigned and held.

SEC. 21. Whenever any such corporation shall cause to be platted any part or portion of its lands in the manner prescribed in the foregoing section of this act, it may by its by-laws, provide the manner in which the lot or lots may be assigned, allotted or confirmed to its several stockholders, and

the terms and conditions upon which the same shall be held by them: *Provided*, That any such lot or lots so assigned, allotted or confirmed to such stockholders shall be deemed and considered as appurtenant and attached to a certain share or shares of capital stock in such corporation, which shall be designated at the time of such assignment, allotment or confirmation, and any assignment, transfer or other disposition of such capital stock shall be held to carry with it, the right to such lot or lots so appurtenant or attached to the same; and it shall not be lawful for such stockholder to in any manner whatsoever, sell, assign, transfer or dispose of any right, title, claim or interest he may have or acquire in [an] any lot or lots assigned, allotted or confirmed under such by-laws and regulations, separated or detached from the share or shares of capital stock to which it shall be appurtenant or attached. In case such corporation should for any reason be dissolved or wound up by any court of competent jurisdiction, by reason of the termination of its charter or otherwise, each stockholder to whom a lot or lots have been assigned, allotted or confirmed, shall be entitled to receive the same in fee upon complying with such terms and conditions as may be imposed by the court having jurisdiction of the winding up of such corporation and all parks, roads or walks shown upon the plat of the property of such corporation recorded as aforesaid, shall be and become dedicated to the public use as parks, roads and walks in the same manner and to the same extent as parks, roads and drives are or may be so dedicated within the limits of cities, towns or villages in this State.

Proviso.

Stockholders shall not sell lot save with shares of stock.

If corporation be dissolved stockholder may receive their lots in fee.

Roads and walks to be dedicated to the public use.

Acts repealed.

SEC. 22. Act number one hundred and fifty-one of the session laws of eighteen hundred and sixty-nine, entitled "An act to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks or rinks and parks kept for ornament, recreation and amusement," approved April fifth, eighteen hundred and sixty-nine, and act number one hundred and sixty-four of the session laws of eighteen hundred and eighty-nine, entitled "An act to authorize the formation of corporations for the purpose of owning and improving summer resorts," approved June nineteen, eighteen hundred and eighty-nine, and all acts amendatory and supplemental to said acts or either of them are hereby repealed. But the repeal of the foregoing acts shall not dissolve any corporation formed or existing under them and all corporations of the nature of corporations authorized to be organized under this act now organized and existing under said several acts in this section mentioned, or either of them, and all corporations which have attempted to organize and are now doing business under said acts or either of them, shall be deemed and taken to be organizations under this act and all rights, obligations and liabilities contracted, acquired or incurred by any such corporations thereunder, shall continue of the same force and effect as though such acts or laws had

All corporations organized under acts repealed to be deemed to be taken as associations under this act.

not been repealed, and all such corporations from and after taking effect of this act, shall be subject to all the provisions hereof as fully as though such corporation had been organized hereunder, and such corporations may continue to carry on the business specified in the articles of association under the provisions of this act as lawfully as if said acts mentioned in this section were not repealed.

This act is ordered to take immediate effect.

Approved June 4, 1897.

[No. 231.]

AN ACT to amend an act, entitled "An act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one relative to plank roads approved March thirteenth, eighteen hundred and forty-eight, as amended by act two hundred and twenty-one of public acts of eighteen hundred and seventy-nine, be and the same is hereby amended so as to read as follows:

Plank road companies may use gravel.

SEC. 31. All companies that have been or may be hereafter organized subject to the provisions of this act, instead of eight feet in width of plank road required by section sixteen of this act, may construct all or any portion of said road of gravel instead of plank and may substitute gravel instead of plank where plank is now used or of stone so broken as to subserve the purposes of said gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width and the gravel of which the same is constructed be not less than nine inches in depth of gravel consisting of at least sixty-five per centum of pebbles and not more than thirty-five per centum of sand, loam and bonding material, and shall in all cases be of such depth and quality as to make at all times a good, firm and hard road: *And provided*, Said company shall be subject to all the provisions and penalties in regard to the keeping said gravel road in repair as is provided for in an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, as amended. And also an act relative to appointment of toll road commissioners, and so forth, approved April twenty-second, eighteen hundred and ninety-seven.

Method of construction.

Penalty.

Approved June 2, 1897.

[No. 232.]

AN ACT to amend sections thirty-nine and forty of act two hundred and five (205) of the session laws of eighteen hundred and eighty-seven (1887), entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being sections three thousand two hundred and eight *d* eight (3208*d*8) and three thousand two hundred and eight *d* nine (3208*d*9) of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact, That* sections thirty-nine and forty of act two hundred and five (205) of the session laws of eighteen hundred and eighty-seven (1887), entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business," the same being sections three thousand two hundred and eight *d* eight (3208*d*8) and three thousand two hundred and eight *d* nine (3208*d*9) of Howell's annotated statutes, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 39. It shall be the duty of the Commissioner of the Banking Department, and he shall have power for himself, his deputy or any examiner he may appoint for that purpose, to examine one or more times in each year the cash, bills, collaterals or securities, books of account, condition and affairs of each bank under the law, and also when requested by the board of directors of any bank. For that purpose he may examine, on oath, any of the officers, agents, clerks, customers or depositors of such bank touching the affairs and business of such bank. Any wilful false swearing in any examination shall be deemed perjury. He shall also ascertain whether each bank transacts its business at the place designated in the articles of incorporation, and whether its business is conducted in the manner prescribed by law. Duty of commissioner to examine books.

SEC. 40. One examination each year shall be designated as the annual examination and for each annual examination the bank examined shall pay into the State treasury for the credit of the general fund one hundredth part of one per cent of the gross amount of the assets of said bank: *Provided*, That the examination fee of any bank shall not be less than ten dollars, and that no bank shall be compelled to pay for more than one examination in each year. The expenses incurred and services, other than examinations, performed especially for any bank shall be paid by such bank. If such charges or the annual fee are not paid after due notice, the Commissioner shall maintain an action in his name of office against the delinquent bank for the recovery of such charge, or annual fee, with interest thereon, and the sums so collected shall be paid into the State treasury. No person shall be appointed to False swearing, perjury.

Fees for examination.

Proviso.

Special expense, how paid.

Collection of charges and fees.

Certain facts
and informa-
tion to be kept
secret.

examine a bank in which he is interested as stockholder, officer or employé or otherwise. The Commissioner of the Banking Department, his deputy, every clerk in his employment, and examiner shall be bound by oath to keep secret all facts and information obtained in the course of such examination except in as far as the public duty of such officer requires him to report upon or take official action regarding the affairs of such bank. No bank shall be subject to any visitation other than such as is required by this act, or otherwise authorized by law.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 233.]

AN ACT to amend sections one (1), two (2), three (3) and six (6) of act one hundred and thirty-eight (138) of the public acts of eighteen hundred and eighty-one (1881), entitled "An act to provide for the medical and surgical treatment of dependent children at the hospital of the Michigan University, the same being compiler's sections one thousand eight hundred and thirteen, one thousand eight hundred and fourteen, one thousand eight hundred and fifteen, and one thousand eight hundred and sixteen, of chapter forty-three (43) of Howell's annotated statutes of Michigan."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one (1), two (2), three (3) and six (6) of act one hundred and thirty-eight (138) of the public acts of eighteen hundred and eighty-one (1881), entitled "An act to provide for the medical and surgical treatment of dependent children at the hospital of the Michigan University, the same being compiler's sections one thousand eight hundred and thirteen, one thousand eight hundred and fourteen, one thousand eight hundred and fifteen, one thousand eight hundred and sixteen of chapter forty-three (43) of Howell's annotated statutes of Michigan," be, and the same is hereby amended so as to read as follows:

Dependent
persons to be
admitted to
University
hospital.

SEC. 1. That any dependent persons who are or who shall hereafter be inmates of the State Public School at Coldwater, the Michigan School for the Blind, the Michigan School for the Deaf, and the Michigan School for the Feeble Minded and Epileptic and those who are not inmates of said institutions, but who, if not affected by disease or requiring surgical treatment, would be entitled by the laws of this State to admission to said institutions, who may be suffering from chronic disease, or who may need surgical treatment for any cause, which is calculated to disable them in whole or in part from self sup-

port, shall be entitled to, and shall receive medical and surgical treatment, or either, together with board, lodging, nursing, and other proper care, free of charge, at the hospital established in connection with the Michigan University at Ann Arbor, under the general rules and regulations thereof.

SEC. 2. The admissibility of applicants under this act for such gratuitous treatment, if not inmates of said State Public School, the Michigan School for the Blind, the Michigan School for the Deaf and the Michigan Home for the Feeble Minded and Epileptic, shall be determined and certified in the same manner as their admissibility is now determined and certified to the said State Public School, or the Michigan School for the Blind, the Michigan School for the Deaf and the Michigan Home for the Feeble Minded and Epileptic; and in case of dependent persons who are or may be inmates of the said State Public School, the Michigan School for the Blind, the Michigan School for the Deaf and the Michigan Home for the Feeble Minded and Epileptic, it shall be determined and certified by the superintendent thereof.

Admissibility,
how certified.

SEC. 3. The expenses of conveying said dependent persons, whether inmates of the State Public School, the Michigan School for the Blind, the Michigan School for the Deaf or the Michigan Home for the Feeble Minded and Epileptic, or the other class herein named, to and from said hospital, and their board and nursing and other care, in said hospital, shall be paid out of the appropriation provided by this act: *Provided*, That such transportation expenses shall not include the expenses or services of any person accompanying the person to and from said hospital.

Expenses,
how paid.

Proviso.

SEC. 6. The actual expenses for the transporting of dependent persons to and from said hospital, as provided in this act, and the board, nursing and other care for said persons while in said hospital, not exceeding the amount charged other persons, patients in said hospital, shall be audited by the Board of State Auditors, and paid out of any money in the State treasury not otherwise appropriated. The treasurer of the Board of Control of the State Public School, the Michigan School for the Blind, the Michigan School for the Deaf, or the Michigan Home for the feeble Minded and Epileptic, shall present all accounts for the transportation of persons to and from said institutions and said hospital, and shall receive payment thereon; the county treasurer of the proper county shall present such accounts and receive payment thereon for persons sent from such county, and the treasurer of said University shall present the accounts for the board and nursing of said persons, and shall receive pay thereon; all of which accounts shall be verified as required by said Board of State Auditors.

Transporta-
tion, nursing,
etc., how
paid.

Accounts,
presented
by whom.

Approved June 2, 1897.

[No. 234.]

AN ACT to provide for the republication and sale of certain volumes of the reports of the supreme court of this State, and to repeal act number forty of the session laws of eighteen hundred and eighty-one, relating to such reports.

When volumes of reports are to be reprinted.

Sale and distribution.

Act repealed.

Repeal not to affect existing contracts.

SECTION 1. *The People of the State of Michigan enact*, That whenever a majority of the justices of the supreme court shall deem it necessary to republish any volume or volumes of the reports of the supreme court of this State, they shall so certify to the Board of State Auditors, and it shall be the duty of the said Board of State Auditors to cause the same to be reprinted under any contract which the State may have for doing its printing and binding and in such quantity, number and quality as such board may direct, and to provide for the sale, distribution and disposition of such reports as the interests of the State may require at a price not to exceed twenty-five per cent in excess of the cost thereof, the proceeds of all such sales to be paid into the general fund.

SEC. 2. Act number forty of the session laws of eighteen hundred and eighty-one, being "An act to provide for the republication and sale of such of the reports of the supreme court of this State as are or may become out of print and have not been stereotyped, and to repeal act number two hundred and seventeen of the session laws of eighteen hundred and seventy-five, being 'An act entitled an act to provide for the republication and sale of such of the reports of the Supreme Court of this State as are out of print,' approved May three, eighteen hundred and seventy-five," and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed: *Provided*, Such repeal shall not affect, abrogate or annul any existing contract made pursuant to such act which has not become completed or expired, but such contract shall continue until it is forfeited, set aside or shall have terminated by its own limitation as in this act provided. Nor shall any contractor be deemed to be released from the obligation of any contract made under said act, during its continuance or until such contract has been fully completed the same as if the act or acts had not been repealed.

Approved May 31, 1897.

[No. 235.]

AN ACT to amend chapter one hundred and nineteen of the revised statutes of eighteen hundred and forty-six, as amended by act number three hundred and twelve of the public acts of eighteen hundred and eighty-seven, being compiler's section eighty-two hundred and eighteen of Howell's annotated statutes relative to proceedings by and against public bodies having certain corporate powers, and by and against officers representing them, by adding a new section thereto to stand as section eight.

SECTION 1. *The People of the State of Michigan enact*, That chapter one hundred and nineteen of the revised statutes of eighteen hundred and forty-six, as amended by act number three hundred and twelve of the public acts of eighteen hundred and eighty-seven, being compiler's section eighty-two hundred and eighteen of Howell's annotated statutes, relative to proceedings by and against public bodies having certain corporate powers, and by and against officers representing them, be and the same is hereby amended by adding one new section thereto to stand as section eight. Chapter amended.

SEC. 8. In any case where a judgment has been, or is hereafter recovered against any such village which, by reason of holding no municipal elections, or for any other reason has no available assessing officer within the jurisdiction of the court wherein such judgment was rendered, the owner of such judgment or any person knowing the facts, acting in behalf of such owner, may make an affidavit showing that the village against which any such judgment is pending and unsatisfied, has no available assessing officer within the said jurisdiction, and file the same with the clerk of the circuit court wherein said judgment is, or with the justice of the peace having custody of the docket wherein such judgment is written. Whereupon it shall be the duty of such officer as shall make said certified transcript, to attach thereto a copy of said affidavit, the correctness of which copy shall also be certified to in said certificate. Any party receiving such certified transcript of judgment and affidavit, may file the same with the supervisor of the township or townships in which any such village, having no assessing officer, is located. Whereupon it shall be the duty of said supervisor to assess the amount of said judgment with costs and interest, upon the taxable property of said village, which is without an assessing officer, and thereafter the same steps and proceedings shall be had in the premises as though it were a judgment against the township or townships within which said village is located, save that it shall be assessed against the property within the corporate limits of said village only. When judgment is against village having no assessing officer.

Duty of supervisor to assess amount of judgment.

Approved June 4, 1897.

[No. 236.]

AN ACT to amend section seven thousand one hundred and four of the compiled laws of one thousand eight hundred and seventy-one, as amended by act number one hundred and fifty-nine of the public acts of one thousand eight hundred and seventy-one, approved April fifteenth, one thousand eight hundred and seventy-one, being compiler's section eight thousand six hundred and sixty-three of Howell's annotated statutes, entitled "Writs of mandamus and prohibition."

Section
amended.

SECTION 1. *The People of the State of Michigan enact.* That section one of chapter two hundred and twenty-six of the compiled laws of one thousand eight hundred and seventy-one, being compiler's section seven thousand one hundred and four, as amended by act one hundred and fifty-nine of the public acts of one thousand eight hundred and seventy-one, and approved April fifteenth, one thousand eight hundred and seventy-one, entitled "Writs of mandamus and prohibition," being compiler's section eight thousand six hundred and sixty-three of Howell's annotated statutes of the State of Michigan, be and the same is hereby amended so as to read as follows:

Returns must
be made to
first writ.

When man-
damus is
against cir-
cuit judge.

Amendments.

SECTION 1. Whenever any writ of mandamus shall be issued out of the supreme court, or by any circuit court of this State, the person, body or tribunal to whom the same shall be directed and delivered shall make returns to the first writ of mandamus, and for a neglect to do so shall be proceeded against as for a contempt. And whenever on application to the Supreme Court for a mandamus against any circuit judge for the purpose of reviewing any order, decree or decision made by such judge, in any matter or proceeding pending before him, in court, at chambers or otherwise, an order is made requiring such judge to show cause why the prayer contained in such application should not be granted his return shall be settled by causing a copy of his proposed return to such order to show cause, or to said writ, together with a notice when and where the same will be presented for settlement, to be served on the applicant or his attorney at least four days prior to the time of such settlement, which time shall be at least three days before the time designated, to show cause or the time of the return of such writ. Amendments to such showing, or return, may be proposed by the applicant or his attorney and all disputes respecting the same shall be determined by such judge according to the facts on such settlement.

Approved June 4, 1897.

[No. 237.]

AN ACT to amend section one hundred and thirty-four of act number two hundred and seventy-three of the public acts of eighteen hundred and eighty-one, entitled "An act to authorize proceedings in the circuit courts in chancery in relation to the conveyance of lands by infants, idiots, lunatics, and other incompetent persons, and the sale and disposition of their estate, and to amend sections five thousand one hundred and sixty-three, five thousand one hundred and sixty-four, five thousand one hundred and sixty-five, five thousand one hundred and sixty-seven, five thousand one hundred and seventy, five thousand one hundred and seventy-one, five thousand one hundred and seventy-three, five thousand one hundred and seventy-four, five thousand one hundred and seventy-five, five thousand one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one."

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and thirty-four of chapter two hundred and forty-seven of Howell's annotated statutes, being section six thousand seven hundred and twenty-four of Howell's annotated statutes of eighteen hundred and eighty-two, be and the same is hereby amended so as to read as follows:

(6724.) SEC. 154. Whenever it shall appear satisfactorily that a disposition of any part of the real estate of such infant, idiot, lunatic, or other incompetent person, or of his interest in any term of years, is necessary and proper, either for the support and maintenance of such infant, idiot, lunatic or other incompetent person, or for his education, or that the interest of such infant, idiot, lunatic or other incompetent person requires, or will be substantially promoted by such disposition, on account of any part of his said property being exposed to waste or dilapidation, or on account of its being wholly unproductive, or for any other peculiar reasons or circumstances, the court may order the letting for a term of years, the sale, (exchange) or other disposition of such real estate or interest, to be made by the guardians of such infants, idiots, lunatics or other incompetent persons, in such manner and with such restrictions as shall be deemed expedient.

Section amended.

Court may order lease, sale, etc., of real estate of infant.

Approved June 2, 1897.

[No. 238.]

AN ACT for the ascertainment and protection of the interests
of the State in escheated estates.

Attorney
General to
take charge of
property.

SECTION 1. *The People of the State of Michigan enact*, That the Attorney General of this State, shall, as hereinafter provided, take charge of all matters pertaining to lands or other property which may have escheated or which may hereafter escheat to the State by reason of the owners thereof dying intestate and leaving no legal heirs thereto.

To make in-
quiry in each
county as to
property
liable to
escheat.

SEC. 2. It shall be the duty of the Attorney General to make investigations and inquire in every county of this State as to whether there is any property therein belonging to the estate of any deceased person who was, at the time of his death, a resident of any county herein, or who was a non-resident, but had property in any such county at the time of his death, and who shall have died intestate, leaving no legal heirs, and whose estate under the laws of descent of this State would become vested in the State; the kind and nature of such property, and the situation and condition thereof.

To institute
proceedings
for admin-
istration.

SEC. 3. Whenever the Attorney General has knowledge of any escheated estate, he shall immediately see that due administration thereof shall be had in the probate court of the county of which the deceased person owning such estate was an inhabitant or resident at the time of his death, or, if a non-resident, in a county in which such deceased person had any such estate at the time of his death. If such deceased person, at the time of his death, resided in any other State or country leaving such estate to be administered in this State, administration thereon shall be granted by the probate court of any county in which there shall be such estate to be administered, and the administration first legally granted shall extend to all the estate of the deceased in this State, and shall exclude the jurisdiction of the probate court of every other county.

When de-
ceased per-
son was a non-
resident.

Administra-
tion granted
upon appli-
cation of
Attorney
General.

SEC. 4. Administration of the estate of any such person dying intestate shall be granted upon the application of the Attorney General to one or more suitable persons. It shall be the duty of the Attorney General to see that such administration is promptly and properly carried on, and he shall represent the State and protect its interests in all matters pertaining to such estates. Such administration shall be in accordance with the general statutes governing the administration of estates of deceased persons, except as herein otherwise expressly provided.

Duty of Attor-
ney General
in case of
deposits of
money.

SEC. 5. It shall be the duty of the Attorney General to protect the interests of the State in uncalled for deposits of money and securities made by any depositor with any person, co-partnership, company or corporation who shall be engaged in the

business of banking within this State, in manner provided for in the six following sections, viz.:

SEC. 6. On the thirtieth day of June, eighteen hundred and ninety-seven and thereafter on the thirtieth day of June in every third [year] as hereinafter set forth, it shall be the duty of each person, co-partnership, company or corporation who shall be engaged in the trust business or the business of banking within this State, and as a part of such business, receive in any manner whatever, moneys, or securities of persons upon deposit, to make a report as hereinafter provided of all such deposits which have escheated to the State of Michigan and also report all such deposits where the person making the same has not had any dealings with such person, co-partnership, company or corporation in relation to such deposits within three years before making such report, and the person, co-partnership, company or corporation receiving such deposit shall have good reason to believe that the depositor is dead and that such deposit should escheat to the State of Michigan. Such report shall be made to the Commissioner of Banking and shall contain a truthful statement in detail of the following matters, viz.:

Persons receiving deposits to make report, when.

First, The name of the person making such deposit;

Report to show what.

Second, The amount and date of such deposit and whether the same are in money or securities, and if the latter, the nature of the same;

Third, Any interest due on such deposits, if any, and the amount thereof;

Fourth, The sum total of such deposits, together with the interest added thereto due from such person, co-partnership, company or corporation on account of such deposit or deposits and interest thereon to such depositor, but nothing contained herein shall require any corporation or person renting locked boxes or safes in vaults for storage purposes to open or report concerning property stored therein. Such report itemized as aforesaid shall be signed by the person making the same and shall be sworn to before a person competent to administer oaths as a full, complete and truthful statement of each of the items therein contained, and if made for and on behalf of a co-partnership or company, such report may be signed and sworn to by any person composing such co-partnership or company and if made for and on behalf of a corporation, such report shall be signed and sworn to by the president of such corporation, but in each of the two last instances such signing and swearing to such reports shall appear to be for and on behalf of such co-partnership, company or corporation as the case may be. After the making, signing and swearing to such report as herein provided, the same shall be filed in the office of the Commissioner of Banking of the State of Michigan and it shall be the duty of such Commissioner to endorse or cause to be endorsed thereon the time at which such report was received and filed, which endorsement shall be signed by such

Report to be filed, where.

False report
deemed
perjury.

commissioner or some person legally competent to sign the same, and thereafter such report shall be and remain a part of the official records of the office of Commissioner of Banking. If any false statement in such report is signed and wilfully sworn to, it shall be deemed perjury on the part of the person signing and swearing to the same and such person shall be liable to be proceeded against and punished as in other cases of perjury.

Penalty for
failure to
make report.

SEC. 7. If any person, co-partnership, company or corporation shall after being required so to do by the Commissioner of Banking, fail to make, sign, and swear to and file such report in manner and time as aforesaid, he, they, or it shall become liable to and shall forfeit to the people of the State of Michigan the penal sum of three hundred dollars for each of such failures, and an additional penal sum of ten dollars for each and every day while said report shall remain unfiled as aforesaid. Such penal sum or sums may be collected as hereinafter provided by an action in assumpsit or any other proper legal action to collect a debt, brought in the name and on behalf of the people of the State of Michigan in any court having legal jurisdiction thereof, and any judgment rendered therefor and costs of suit may be collected out of the property of such a person, co-partnership, company or corporation against whom such judgment is rendered by execution in like manner as other judgments and costs of suit in such cases in such courts are collected.

How col-
lected.

Moneys
recovered
to be paid
into court.

SEC. 8. It shall be the duty of the Attorney General to commence any such action for the collection of such penal sum as hereinbefore provided and to duly prosecute them for effect. After any judgment for such penal sum or sums is rendered the amount of such judgment with costs of suit may be paid into court by the person, co-partnership, company or corporation against whom the same shall be rendered or if in such judgment and costs are collected by execution, the money collected on such judgment and costs shall be paid into court; and in either case the court receiving the money on such judgment shall immediately transmit the same or cause the same to be transmitted to the probate court of the county wherein such judgment was rendered, and it shall be the duty of the said probate court to give or cause to be given to the court transmitting such money a receipt for the same; and such probate court shall also as soon as possible transmit or cause to be transmitted the money so received to the State Treasurer of the State, who shall give or cause to be given to such probate court his receipt therefor as such treasurer, which the said probate court shall file or cause to be filed in his office, and the same shall thereafter remain a part of the official records of such office. Such money so received by the State Treasurer shall be placed to the credit of the primary school fund.

Money placed
to credit of
primary
school fund.

SEC. 9. It shall be the duty of the Attorney General to see that such reports are properly made in manner and time as hereinbefore provided; and if the same are not filed in time and manner as hereinbefore provided, to take all proper steps to secure the proper making and filing of the same; and it shall be his duty to promptly prosecute to effect and to collect all such penal forfeitures hereinbefore provided for. In the protection of the interests of the State in such deposits as aforesaid, the Attorney General shall have power and it is hereby created his duty in addition to the other means hereinbefore provided. If he shall have good reason to believe that a proper disclosure has not been made by any firm, co-partnership, company or corporation, in any of the reports in this act provided for, and that there are moneys or securities in their custody which has escheated to the State, to apply to the circuit court of the proper county by special motion for leave to file a bill in chancery, and upon due showing and leave granted to file a bill in chancery in the name and on behalf of the people of the State of Michigan against such person, co-partnership, company or corporation in any court having jurisdiction of such suit in chancery or other proper proceedings to compel a full, complete and truthful statement of the matter in this act required to be contained in the reports aforesaid. In any suit or proceeding in this act provided for to be commenced against any such person, co-partnership, company or corporation doing a banking business as aforesaid, no demand for security for costs shall be entertained by the court before whom such suit or proceedings shall be pending.

Attorney General to prosecute for failure to report.

Security for costs not demanded.

SEC. 10. If, by any of such reports in this act provided for it shall appear, or if in any manner it shall come to the knowledge of the Attorney General that a person has deposited with any person, corporation, company or co-partnership doing a banking or trust business, any money or securities and has had no dealings with such person, co-partnership, company or corporation in regard thereto within seven years from the date of the last deposit made by him, and that there is good reason to believe that such person is dead and that his estate should escheat to the State of Michigan; then, and in that case it shall be the duty of the Attorney General to take proceedings to have an administrator appointed in the proper probate court to administer upon the estate of such missing depositor as a deceased person. Such administrator shall be appointed as to person and manner of appointment as is provided for in sections three and four of this act. After the appointment of such administrator and upon his giving due and sufficient bonds to be required by the court, he shall have the right to demand and receive from any such person, co-partnership, company or corporation having any deposits of money or securities of such missing person within its possession and control and he shall have all the rights of action to reduce such money or securities to his personal possession and control as administrator as

When administrator, as to deposits, to be applied for.

Rights of administration.

Administrator,
duties of.

aforesaid as any other administrator would have if administering upon the estate of a deceased person.

SEC. 11. After such money and securities as above provided have been legally reduced to the possession and control of such administrator he shall proceed to administer thereon as is herein provided for the administration of escheated estates, and avails of such money or securities shall in like manner be disposed of as herein provided for the disposal of the avails of escheated estates.

Idem.

SEC. 12. Such administrator shall also administer upon all the other property belonging to such missing person the same as if such missing person were known to be dead. Such administration and the disposal of the avails of such property shall be in accordance with the provisions of this act in relation to escheated estates.

Presumption
of death.

SEC. 13. If any person shall disappear and his whereabouts remain unknown for the space of seven years, and no knowledge of such person can be procured for such space of seven years, he shall be presumed to be dead, and if there are no person or persons found who would be his heir or heirs at law, if he were dead, administration shall be taken upon his estate in accordance with the provisions of this act in relation to escheated estates, and the avails of such estate shall be disposed of as provided in this act for the disposal of the avails of escheated estates.

Prosecuting
attorney
to assist
Attorney
General.

SEC. 14. The Attorney General shall have the right to call upon the prosecuting attorney of any county wherein any such estate is being administered for his services on any occasion in any matter relating to such estate; and such prosecuting attorney shall render such services whenever required by the Attorney General without compensation therefor.

Custody of
remainder
of estate.

SEC. 15. Whenever any such estate has been fully and completely administered by the probate court having jurisdiction thereof, the Attorney General shall see that all the property of whatever name or nature remaining in such estate after due administration thereon is turned over to the care and custody of the Auditor General, State Treasurer and Secretary of State, and to their successors in office who shall take the same as trustee thereof in accordance with the provisions of act number one hundred and fifty-one of the laws of Michigan, approved May eighteenth, eighteen hundred and forty-six, and who as soon thereafter as possible shall cover such property or the avails thereof into the State Treasury for the use of the primary school fund. If any such property consists of real estate, the same shall be sold and conveyed by said trustees in manner as hereinafter set forth.

Manner of
sale of real
estate.

SEC. 16. Whenever such real estate shall come into the care and custody of said trustees as provided for in the preceding section, the same shall be sold and conveyed by said trustees in manner as follows: The said trustees, at as early a date as is consistent with the interest of the State in said real

estate, shall publish a notice of the public sale of the same at a time and place in said notice specified, in the county where such real estate is situate, which notice shall be published at least six successive weeks prior to said sale in some newspaper printed and circulated in said county. If, in the judgment of said trustees, the interests of the State in said real estate can thereby be subserved said sale may be adjourned by them from time to time, but not to exceed three months from the first publication of said notice. If there be no newspaper printed and circulated in the county where said real estate is situate, then and in that case, said notice shall be published in a newspaper printed and circulated nearest to where said real estate is situate. A notice of sale may also be published in such other manner as said trustees may deem to be for the best interests of the State in said real estate.

Sale may be adjourned.

SEC. 17. Such sale shall be between the hour of nine o'clock in the morning and the setting of the sun the same day, to the highest responsible bidder therefor.

Hour of sale.

SEC. 18. On such sale, the said trustees may give such length of credit not exceeding three years, and for not more than three-fourths of the purchase money, as they shall deem best calculated to produce the highest price, and shall secure the moneys for which credit is given by a bond of the purchaser, and by a mortgage on the real estate sold.

Terms of sale.

SEC. 19. An affidavit of said trustees, or one of them, or of some other person having knowledge of the fact that notice of such sale was given as provided in this act, shall be made before some officer authorized to administer oaths, and shall be attached to the deed of conveyance given by said trustees on the sale of such real estate. Upon such sale, a deed of said real estate shall be made, executed and delivered to the purchaser or purchasers thereof by said trustees.

Deed to be given by trustees.

SEC. 20. All personal property coming into the care and custody of said trustees may be sold and conveyed by them, either by public or private sale, as they shall deem to be to the best interests of the State therein.

Personal property.

SEC. 21. Said trustees shall keep a full, true and accurate account of all the property of whatever name or nature, which shall come into their care or custody from such escheated estates; the nature of such property, and when received; the time and manner of the disposal thereof, the amount of moneys received therefor, and the time and amount of money covered into the State treasury on account of such estate; which account shall be kept in the office of the State Treasurer and shall become a part of the public records of such office.

Record of trustees, what to contain.

SEC. 22. If at any time the real estate or personal property belonging to such escheated estates comes into the care and custody of said trustees, and before the sale thereof by them, the person supposed to be deceased or any person or persons shall appear before the Board of State Auditors and file with such board satisfactory proof by a duly certified copy of an

When owner or heir is found prior to sale.

When owner
or heir is
found after
sale.

adjudication made by the proper probate court or otherwise determining the heirship of such person or persons to the estate of such deceased person or their rights as devisees or legatees under a will, or assigns, then and in that case, the Board of State Auditors shall cause such real estate or personal property to be turned over to such supposed deceased person or to such person or persons as such heir or heirs at law or devisees or legatees or assigns of such deceased person, upon the payment by him or them of any expense to the State which may have been incurred by the State in relation to such real estate.

If, at any time, after the sale of such real estate or personal property by such trustees, and the covering of the avails thereof into the State treasury, any such supposed deceased person or his heirs, devisees or legatees or assigns shall file satisfactory proof of their identity or right as devisees, legatees, heirs, or assignees with the Board of State Auditors, then and in that case, said Board of State Auditors shall cause to be paid to such person or persons the avails of such sale, or the money received from said estate less any expense which the State may have incurred in making such sale, and such other expense which the State shall have incurred in relation thereto. Such payment shall be made out of the fund to which such avails shall have been credited. In making any such return of property or the avails thereof to the person lawfully entitled when there appears to be more than one such, the claimant shall be entitled to only such part as he would lawfully be entitled to out of such decedent's estate.

When State
to indemnify
corporation.

SEC. 23. Where moneys, securities or other personal property are paid over or delivered to an administrator pursuant to sections eight, ten and eleven of this act, and such person, co-partnership, company or corporation paying such money or delivering such securities or property are thereafter required to carry and perform their contract of deposit with the person or the heirs or assigns of the person making such deposit, the State of Michigan shall indemnify and pay to such person, co-partnership, company or corporation, the amount of damage or loss which they may have sustained providing satisfactory proof thereof is made to the Board of State Auditors of the State of Michigan which Board of State Auditors shall allow the amount they find to be due to the Auditor General who shall thereupon draw his warrant for such amount on the State Treasurer who shall pay the same out of any moneys in the State treasury not otherwise appropriated.

Approved June 2, 1897.

[No. 239.]

AN ACT to amend section twenty-eight of chapter twenty-four, section seven of chapter twenty-eight, sections one, two, ten, eleven, twelve, and thirteen of chapter thirty, sections one, seven, eight, ten, eleven, twelve, thirteen, fifteen, sixteen and nineteen of chapter thirty-one and section fifteen of chapter thirty-two of act number two hundred and fifteen of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class."

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
 section twenty-eight of chapter twenty-four, section seven of chapter twenty-eight, sections one, two, ten, eleven, twelve and thirteen of chapter thirty, sections one, seven, eight, ten, eleven, twelve, thirteen, fifteen, sixteen and nineteen of chapter thirty-one, and section fifteen of chapter thirty-two of act number two hundred and fifteen of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the incorporation of cities of the fourth class," be and the same are hereby amended so as to read as follows:

CHAPTER XXIV.

SEC. 28. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided in section twenty-four of this chapter, and shall then be reassessed with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment until the first day of December next, or where the common council of any city has adopted the plan of having the taxes of such city collected in two installments as authorized in section two of chapter thirty of this act, interest shall be computed until the first day of July if the next tax roll be for city taxes payable July first, or until the first day of December if the next tax roll be for general taxes payable December first, in the next ward tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Council may direct renewal of warrant.
Reassessment of unpaid taxes.

CHAPTER XXVIII.

Board to submit estimate of expenses for each ensuing year.

SEC. 7. On or before the first Monday of September, or on or before the first Monday of May in each year where the council has decided to have the taxes levied and collected in two installments as authorized in section two of chapter thirty, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which, according to the judgment of the board, will be needed for the water works fund, the light fund and the sewer fund during the ensuing year, which estimates may be increased, modified or adopted by the said common council as in its judgment may seem justifiable.

CHAPTER XXX.

Fiscal year, when to begin.

SECTION 1. The fiscal year of cities subject to the provisions of this act shall commence on the first Monday of March in each year, or when the council has decided to have the taxes collected in two installments, as authorized by section two of chapter thirty, the fiscal year shall commence on the first Monday of October of each year: *Provided*, That when the council shall so decide to collect the city taxes pursuant to said section two the next fiscal year shall continue to the first Monday of October.

Council has power to impose taxes.

SEC. 2. The council of any such city shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted. The council of any such city shall have authority to provide by ordinance that the taxes in such city shall be levied and collected in two installments, one of which installments shall be for the general taxes, and which shall be assessed, levied and payable as provided in the general tax laws of this State, where not inconsistent with the provisions of this act; the other installment of which shall be for city taxes and shall be payable on the first day of July in each year.

When council to cause estimates to be made for annual expenses.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September, or in the month of May in each year, where the council has decided to have the taxes levied and collected in two installments as authorized in section two of chapter thirty of this act, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for the paving of streets, the construction of sewers, making improvements, and for the support of the

police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving and repairing the streets in the several street districts of the city.

SEC. 11. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessments which they require to be levied or reassessed in the next general tax rolls of the city, or upon the next city tax rolls of the city where the council have decided to have the taxes levied and collected in two installments as authorized in section two of chapter thirty of this act, upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Council to determine amount to be raised by general tax. —

SEC. 12. The council shall also in the said month of September, or in said month of May where the council has decided to have the taxes levied and paid in two installments as authorized in section two of chapter thirty, pass an ordinance, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year payable from the several general funds, and from the street district funds as estimated and determined upon, as provided in section ten of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or with the city or July tax levy where the council has decided to have the taxes levied and collected in two installments, or by loans, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and nine of this chapter, to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or reassessed as mentioned in section eleven of this chapter, and the disposition to be made of such moneys, and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year to be paid for in whole

When council to pass annual appropriation bill.

Council shall specify purposes of appropriation.

or in part by special assessments, and the estimated cost thereof.

When sums to be certified to clerk of board of supervisors.

SEC. 13. All sums ordered in the annual appropriation bill, in any year to be raised for the several general funds (except in cases where the council have decided to have the taxes levied and collected in two installments, in which case such sums shall, by the board of review and equalization provided in section five of chapter thirty, be apportioned on or before the fifteenth day of May, among the several wards of the city according to their assessed valuation) and all amounts reported to the council by the board of education to be raised for schools, library and schoolhouse purposes, as provided in chapter thirty-two of this act, shall be certified to the clerk of the board of supervisors of the county on or before the first Monday of October. All sums ordered in said bill to be levied or [reassessed] assessed in street or sewer districts or as special assessments, and in case there is to be a July tax roll for the collection of city taxes, all sums ordered in the annual appropriation bill apportioned as aforesaid, shall, forthwith, be certified by the city clerk to the supervisors of the respective wards as provided in chapter twenty-four, and all such sums shall be levied and collected on such July or city tax roll. If, however, there be no July or city tax or if any part of the taxes assessed and levied on the July roll are not paid, such sums shall be levied and collected with the State and county taxes next thereafter to be levied within such city.

When to be certified to supervisors by city clerk.

CHAPTER XXXI.

Assessment and collection of taxes by supervisors.

SECTION 1. The supervisors of every city shall, in each year, make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner, and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards, they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof: *Provided*, That any city now incorporated, and which shall become reincorporated under this act, now having an assessor for the assessment of property and the levying of taxes, such city may retain its present method of assessing property and levying taxes, and such assessor in office at the time this act shall take effect, shall remain in office until the expiration of the term for which he was appointed or elected and until his

Proviso as to assessor.

successor shall have been appointed and qualified. The council of any city reincorporated under the provisions of this act may by ordinance provide for the appointment by the council upon the recommendation of the mayor, a city assessor who shall hold his office for one year from and after the first Monday in March of the year in which he shall have been appointed, and such appointment shall be made as aforesaid on or before the second Monday in April in each year. Such assessor shall make an assessment of all real and personal property within such city in the same manner, and have the same powers, and perform the same duties touching the assessment of such property and the levying of such taxes as are performed by supervisors in townships in such matters, which powers shall be exercised and duties shall be performed by such assessor instead of being executed and performed by the supervisor of the several wards in any such city as hereinbefore provided. Such assessor shall make his assessment of all such property in a single roll. Where, however, the council has decided to have the taxes levied and collected in two installments, such assessments shall be made in two separate rolls, one for the city taxes and special assessments to be known as the "City or July tax roll," the other for the State, county and school taxes, to be known as the "December tax roll," and in the making of such assessments and in the levying of taxes such city shall be treated as a whole or as one assessment district as townships are treated under the general tax laws of the State.

When council may appoint assessor.

Term of office.

Duty of assessor in making the assessment.

SEC. 7. Within sixty days after the confirmation, and where the council have decided to have the taxes levied and collected in two installments, and the roll is the city or July roll, on or before the first day of June following the confirmation of such rolls, as above provided, each supervisor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council.

Supervisor to deliver certified copy of assessment roll to city clerk.

SEC. 8. On or before the first Monday of October in each year, the city clerk shall certify to the county clerk of the county in which the city is located the aggregate amount of all sums which the council require to be raised for the next fiscal year for all city purposes, or where the council have decided to have the taxes paid in two installments, all sums for city purposes that have not been paid upon the July rolls, and for schools and library and schoolhouse purposes, by general taxation upon all the taxable property of the whole city.

City clerk shall certify to county clerk the aggregate amount to be raised by tax.

Purposes.

SEC. 10. On or before the first day of October, or on or before the first Monday of June in each year where the council have decided to have the taxes levied and collected in two installments, the city clerk shall certify to the supervisors of each ward for the assessment therein, all amounts which the council require to be assessed or reassessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any par-

City clerk to certify to supervisor of each ward amounts assessed for the different purposes.

particular person as a special assessment or otherwise within his district, together with a designation of the district, or description of the land or person upon whom or within which the several sums are to be assessed or reassessed, with such further descriptions and directions as will enable such supervisor to assess the several amounts upon the property and person chargeable therewith.

Supervisors to levy in roll the amount certified for school and library purposes.

Special assessments to be in separate columns.

SEC. 11. Each supervisor, shall, where the taxes are levied and collected on one tax roll, at the time of levying State and county taxes in his ward for the year, levy in the same roll upon all the taxable property in the ward, the amounts certified to him by the clerk of the board of supervisors as provided in section nine of this chapter, to be raised for city, school and library purposes placing the city taxes in one column, and the school, library and schoolhouse taxes in another column, and he shall also levy, in the same roll, upon the lands, property, and persons chargeable therewith, all special assessments and sums reported to him by the city clerk, as provided in section ten of this chapter, or in chapter thirty of this act, for assessment or reassessment, in street districts, main or special sewer districts, or for other special assessments, placing all such special assessments in separate columns, and shall place the State and county taxes in other columns: *Provided*, That where the council has decided to have the taxes levied and collected in two installments, each supervisor shall, in the month of June in each year, levy in the July roll upon all taxable property in the ward, the amounts certified to him by the city clerk to be raised for city taxes, and special assessments, and he shall, at the time fixed in the general tax law, levy in the December roll, all sums to be raised for school, library and schoolhouse taxes, and all such taxes as were not paid on the fifteenth day of November next following the levy of such city taxes, and special assessments, together with interest thereon, from July first to December first, at ten per cent per annum, placing said interest in a separate column headed "Penalty," and said penalty shall, thereafter be treated in all respects as an item of taxes. Such item of taxes, and each special assessment shall be entered in a separate column in such rolls, and the total taxes shall be entered in the last column of said roll.

Upon completion of roll supervisor to certify to city clerk, amount of taxes levied for state, county, etc. Bond of city treasurer.

SEC. 12. Each supervisor [upon] on completing his roll shall certify to the city clerk the amounts of taxes levied in the roll for the State and county purposes, and for city and school taxes, special assessments and other purposes, and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, and in case the city have two tax rolls, and the roll be the July roll, such roll shall be delivered to the city treasurer on or before the first day of July, each supervisor shall deliver a certified

copy of the December tax roll, with the taxes extended therein as aforesaid, to the city treasurer, with his warrant for the collection of taxes therein, annexed thereto.

SEC. 13. The warrant annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively; and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and to pay over and to account for all moneys collected and specified in the roll as in the said warrant directed, on the first day of March then next ensuing. If, however, the council have decided to have the taxes levied and collected in two installments and the roll be the July roll, the warrant annexed thereto shall command the city treasurer to collect from the several persons named in said roll the several sums named in the last column thereof opposite their respective names, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on or before the fifteenth day of September next following. Or, if the roll be the December roll, the warrant annexed thereto shall command the city treasurer to collect, pay over and account as aforesaid, within the time first above limited, as in cases in which the city has but one collection of taxes, and the several warrants shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

The warrants annexed to each roll to state amount to be paid into city and county treasuries.

SEC. 15. Upon receiving the several ward tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing, or where the council have decided to have the taxes levied and collected in two installments, and the roll be the July roll, on or before the fifteenth day of September without any charge for collection; but that four per cent collection fee shall be charged and collected upon all taxes remaining unpaid on said tenth day of January, or fifteenth day of September as the case may be. Said notice shall be given by publishing the same twice in one or more of the newspapers of the city and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times, previous to the said tenth day of January and fifteenth day of September, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection of fees upon all taxes paid to him before the said tenth day of January, or where the council have decided to have the [tax] taxes levied and collected in two installments and the roll be the July roll, on or before the fifteenth day of September, but in all other cases he shall collect both the tax and the percentage for collection added in the roll and

City treasurer to give notice to taxpayers for payment of taxes.

Fees for collection of taxes.

Notice to be published in newspapers.

When collection fees to be remitted.

upon any tax remaining unpaid on the first day of March next ensuing, the city treasurer shall return the collection fee of five per cent to the county treasurer as a part of the delinquent tax, the same to be collected by him in the same manner as provided by law for the collection of delinquent taxes. All such percentages for fees collected by him shall be paid into the city treasury to the credit of the contingent fund.

Manner of
collecting
unpaid taxes.

SEC. 16. For the collection of all taxes remaining unpaid on the general roll on the tenth day of January, and on the July roll, where there is a July roll, on the fifteenth day of September, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county, or any county adjoining thereto, and from which seizure no property shall be exempt.

Payment of
moneys col-
lected to
county
treasurer.

SEC. 19. The city treasurer shall, within one week after the time specified and directed in the warrants annexed to said several December tax rolls, pay to the county treasurer the sums required in said warrants to be so paid, either in delinquent taxes on lands, or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

CHAPTER XXXII.

Board to esti-
mate and re-
port amounts
to be raised
in addition to
other school
funds for
entire support
of schools.

SEC. 15. The board shall also make and deliver to the city council, annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers and indebtedness falling due, and for the purchase of grounds and the construction of school buildings and support of the library, and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sums so reported the council shall cause to be raised by tax upon all the taxable property in the city, with the State, county and delinquent city taxes thereafter to be raised: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness and interest thereon incurred for grounds and buildings shall not exceed one-half of one per cent, and the amount for the support of the schools and for all the other purposes above mentioned shall not exceed one and one-fourth per cent on the dollar of the taxable valuation of the real and

Limit of such
estimate.

personal property in the city as shown by the tax roll of the proceeding year.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 240.]

AN ACT to amend section one hundred thirty-one of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one and all other acts and parts of acts in anywise contravening any of the provisions of this act."

SECTION 1. *The People of the State of Michigan enact, That* section one hundred thirty-one of act number two hundred and six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 131. All such lands shall be held by the Commissioner of the State Land Office subject to entry as homestead lands, and if any person shall apply for them or any part thereof, not to exceed in quantity two hundred forty acres (240) for any one person so applying, and shall file an affidavit that such person desires such lands for actual settlement, for the purpose of a homestead, the commissioner shall issue a certificate to such person for such land upon the payment of the sum of ten cents per acre, conditioned that such person shall reside continuously upon said lands for the period of five years and improve the same. At the expiration of such five years such person shall be entitled to make, and shall make proof of the fulfill- Lands subject to homestead entry.

Conditions.

When final proof made.

No farther
payments on
entries here-
tofore made.

Money not to
be refunded.

ment of such contract in such manner as the said commissioner may prescribe. And when such proof is made to the satisfaction of said commissioner, such person shall be entitled to a deed of such land from the State. Persons who have heretofore taken up homestead lands under this section, having made the first payment required by this section, and having resided upon and improved the same continuously since they entered thereupon, are hereby relieved from making any further payment to the State: *Provided*, That nothing in this section shall be construed to entitle any person or persons who have heretofore entered such lands to the return of any part of the payments heretofore made by them.

Approved June 2, 1897.

[No. 241.]

AN ACT to amend section fifteen of act number one hundred eighty-four of the public acts of eighteen hundred ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, eighteen hundred and ninety-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of act one hundred eighty-four of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, eighteen hundred and ninety-five, be and the same (is) hereby amended so as to read as follows:

Commissioner
of Labor to
make annual
inspection of
factories.

SEC. 15. For the purpose of carrying out the provisions of this act the Commissioner of Labor is hereby authorized and required to cause at least an annual inspection of the manufacturing establishments or factories in this State. Such inspection may be by the Commissioner of Labor, the deputy commissioner of labor, or such other persons as may be appointed by the Commissioner of Labor for the purpose of making such inspection. Such persons shall be under the control and direction of the Commissioner of Labor and are especially charged with the duties imposed, and shall receive such compensation as shall be fixed by the Commissioner of Labor, not to exceed three dollars a day together with all necessary expenses. All compensation for services and expenses provided for in this

Compensa-
tion.

act shall be paid by the State Treasurer upon the warrant of the Auditor General: *Provided*, That not more than twelve thousand dollars shall be expended in such inspection in any one year: *And provided further*, That the Commissioner of Labor shall present to the Governor on or before the first day of February, eighteen hundred and ninety-six, and annually thereafter, a report of such inspection with such recommendation as may be necessary: *And provided further*, That in addition to the above amount allowed for expenses, there may be printed not to exceed one thousand copies of such reports for the use of the labor bureau for general distribution. And all printing, binding, blanks, stationery, supplies or map work shall be done under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

Proviso as to amount.

Commissioner to report inspection.

Number of reports to be printed.

Approved June 2, 1897.

[No. 242.]

AN ACT to authorize the Secretary of State to charge fees in certain cases, to prescribe the amount of said fees, to provide for their transfer to the State treasury, and to repeal all acts and parts of acts contravening the provisions of this act.

SECTION 1. *The People of the State of Michigan enact*, That there shall be paid to the Secretary of State the following fees: For filing annual reports of corporations, fifty cents each; for making and certifying to copies of articles of association or other papers relating to railroad corporations, which copies are required to be filed with the Commissioner of Railroads, twenty cents per folio of one hundred words, and twenty-five cents for each certificate attached thereto. Such fees shall be paid by such corporations at the time of filing the original reports in the office of the Secretary of State.

What fees to be paid.

SEC. 2. When, upon demand of the Governor of any other state or territory, the Governor of this State shall issue a warrant or order to the sheriff of any county to arrest and deliver any person charged with crime in such other state or territory, to the agent appointed by the executive authority making such demand, as provided by law, there shall be paid to the Secretary of State, prior to the making and delivery of such warrant or order, by the agent or person to whom the same is to be delivered, as a fee for making the same, a sum equal to the amount required to be paid in such other state or territory for a like warrant made on demand of the executive authority of this State for the arrest and delivery of any person in such

Fee to be paid upon issuance of warrant.

Proviso as to
other states.

state or territory to the authorized agent of this State: *Provided*, That in case no such fee be charged in such other state or territory then no fee shall be required from the agent of such state or territory as aforesaid. The certified statement of the secretary of state or other proper officer of such other state or territory as to the amount of the fee so charged in such state or territory shall be evidence thereof.

Fees to be
paid into
State treasury.

SEC. 3. All fees collected under the provisions of this act shall be paid into the State treasury.

Approved June 2, 1897.

[No. 243.]

AN ACT authorizing and empowering the trustees of the Michigan Asylum for the Insane, at Kalamazoo, to erect one building for a physician's residence at the asylum colony farm, known as "Fair Oaks," and to erect a building in connection with the female department of the Michigan Asylum for the Insane, to be used as a common dining room for female patients, and to make payment for the same out of any surplus moneys in the hands of the treasurer of said asylum.

Board of trustees authorized to erect dwelling house for physician.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the Michigan Asylum for the Insane at Kalamazoo, is hereby authorized to erect and construct for the use and benefit of the said asylum, on the colony farm known as "Fair Oaks," being a part of the premises of said asylum, a house to be used as a dwelling house for the physician resident at the colony, for a sum not exceeding two thousand five hundred dollars, and to pay for the same out of any surplus money in the hands of the treasurer of said asylum.

Authorized to erect building for dining room.

SEC. 2. The board of trustees of the Michigan Asylum for the Insane, at Kalamazoo, is hereby authorized to erect upon the premises of said asylum, and adjacent to the kitchen of the female department, a one story building to be used as the common dining room for female patients, which shall have a capacity to accommodate not less than two hundred, and shall cost not more than two thousand five hundred dollars, and to pay for the same out of the surplus money in the hands of the treasurer of the said asylum.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 244.]

AN ACT making an appropriation for the general expenses of the State government, salaries of State officers, expenses of the State departments and expenses of the legislature for the years eighteen hundred ninety-seven, and eighteen hundred ninety-eight, and to provide a tax for the payment of the same.

SECTION 1. *The People of the State of Michigan enact*, That there shall be levied upon the aggregate of taxable real and personal property of the State in the year eighteen hundred and ninety-seven the sum of one million, three hundred and fifty-four thousand, five hundred and seventy-six dollars and twenty-one cents and for the year eighteen hundred and ninety-eight the sum of one million, one hundred and fifty-four thousand three hundred and seventy-five dollars, to be raised by tax, and the same sum is hereby appropriated for the payment of salaries of State officers and other expenses of the State government which are not otherwise provided for for the aforesaid years. General appropriation, amount of.

SEC. 2. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties of this State as provided by law for the apportionment of State taxes. Auditor General to apportion tax for.

This act is ordered to take immediate effect.

Approved May 31, 1897.

[No. 245.]

AN ACT making appropriation for improvements and repairs in and about the Michigan State Prison at Jackson.

SECTION 1. *The People of the State of Michigan enact*, That the sum of ten thousand dollars is hereby appropriated out of the general fund to the Michigan State Prison at Jackson for the following named purpose: For general repairs in and about the State Prison. Amount appropriated.

SEC. 2. The sum appropriated by this act shall be placed to the credit of the State Prison at Jackson and be paid to the order of the board of control at such times and in such amounts and manner as is now provided by law. To be paid to board of control.

SEC. 3. The Auditor General shall add to and incorporate with the tax for the year eighteen hundred and ninety-seven (1897) the sum appropriated by this act, to wit: ten thousand dollars, which sum when collected shall be placed to the credit of the general fund. To be incorporated in State tax.

Approved May 31, 1897.

[No. 246.]

AN ACT making an appropriation for the Industrial School for Boys, for current expenses, repairs, improvements, for the years eighteen hundred and ninety-seven (1897) and eighteen hundred and ninety-eight (1898).

Appropriation
amount of.

SECTION 1. *The People of the State of Michigan enact*, That the sum of sixty thousand dollars (\$60,000) for the year eighteen hundred [and] ninety-seven (1897), and the further sum of fifty-nine thousand dollars (\$59,000) for the year eighteen hundred and ninety-eight (1898), or so much of such sums as may be necessary, are hereby appropriated to defray the current expenses of the Industrial School for Boys.

For depart-
ment of
technology.

SEC. 2. The further sum of three thousand dollars (\$3,000), or as much thereof as may be necessary, is hereby appropriated for the following special purposes:

For sidewalks
and fences.

For the maintenance of the department of technology, one thousand dollars (\$1,000), for the year eighteen hundred and ninety-seven (1897) and one thousand dollars for the year eighteen hundred and ninety-eight (1898); for sidewalks and fences, two hundred and fifty dollars for the year eighteen hundred and ninety-seven (1897) and two hundred and fifty dollars for the year eighteen hundred and ninety-eight; for painting, papering, etc., two hundred and fifty dollars for the year eighteen hundred and ninety-seven (1897) and two hundred and fifty dollars for the year eighteen hundred and ninety-eight (1898).

For painting,
papering, etc.

For boilers
and water
supply.

SEC. 3. The further sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purchase of boilers and for a water supply.

Auditor Gen-
eral to appor-
tion tax for.

SEC. 4. The Auditor General shall add to and incorporate with the State taxes for the year eighteen hundred and ninety-seven the sum of sixty-six thousand and five hundred dollars and for the year eighteen hundred and ninety-eight the sum of sixty thousand and five hundred dollars, to be assessed, levied and collected, which sum, when collected, shall be passed to the credit of the general fund to reimburse it for the sum appropriated by sections one, two, three and four of this act.

Additional ap-
propriation.

SEC. 5. The Auditor General shall add to and incorporate with the State taxes for the year eighteen hundred and ninety-seven the sum of ninety thousand dollars, and for the year eighteen hundred and ninety-eight the sum of sixty-four thousand dollars, to be assessed, levied, and collected as any other State taxes are assessed, levied and collected, which sum, when collected, shall be passed to the credit of the general fund to reimburse it for the sum appropriated by sections one, two, three and four of this act.

This act is ordered to take immediate effect.

Approved May 31, 1897.

[No. 247.]

AN ACT making appropriations for additional buildings at the Asylum for the Insane, located at Newberry in the upper peninsula of Michigan, known as the "Upper Peninsula Hospital for the Insane," for the furnishing and equipment of said buildings and the further furnishing and equipment of said asylum.

SECTION 1. *The People of the State of Michigan enact,* That the sum of fifty-eight thousand dollars be, and the same is hereby appropriated for the Upper Peninsula Hospital for the Insane from the general fund in the State treasury, not otherwise appropriated, to be expended as follows: Appropriation amount of.

For the erection of one cottage, twenty thousand dollars; for an addition to the power house, five thousand and seventy-one dollars; one cloister, six hundred dollars; for central heating plant, eighteen thousand nine hundred and forty-two dollars; addition and changes in cow barn, seven hundred and fifty dollars; one brick oven, five hundred dollars; furnishings to two cottages, twenty-seven hundred and fifty dollars; additional laundry machinery, one hundred and seventy-five dollars; storm windows, two thousand dollars; for horses, cows, vehicles, etc., one thousand one hundred and seventy-five dollars; farm implements, two hundred dollars; orchard, small fruit, etc., two hundred dollars; clearing land, three hundred dollars; for library, three hundred dollars; for seeds, fifty dollars for the year eighteen hundred ninety-seven and fifty dollars for the year eighteen hundred ninety-eight; for deficit in appropriation in eighteen hundred ninety-five for central dining hall, five thousand dollars. The money so appropriated shall be expended under the direction of the board of trustees of said hospital for the insane, on requisitions of said board signed by the chairman and secretary thereof, which shall be presented to the Auditor General who shall draw his warrants on the State treasury therefor. Purposes.
How expended.

SEC. 2. The said board of trustees is hereby authorized at any time during the year one thousand eight hundred ninety-seven by requisitions drawn as prescribed in section one of this act to draw from the general fund of the State treasury the sum of thirty thousand dollars, and like authority is given for the sum of twenty-eight thousand and sixty-three dollars, to be drawn in the same manner for the year one thousand eight hundred and ninety-eight. Money, how drawn.

SEC. 3. In case of a deficiency in one of the items specified in section one of this act and a surplus in the other, the board of trustees by, and with the advice and consent of the Governor and Board of State Auditors given in writing, may apply such surplus upon such deficiency and transfer such surplus Surplus, how applied.

from the fund containing the same to the fund in which such deficiency may occur.

Architect,
board may
employ.

SEC. 4. Said board of trustees may employ an architect for the purposes mentioned in this act and a person to superintend under their direction the erection and construction of the same, and the architect and the person so employed shall receive a reasonable compensation for their services to be established by the board of trustees and approved by the Governor, which compensation shall be audited from time to time by the Board of State Auditors and paid by the trustees of said asylum out of the fund appropriated by this act.

Auditor Gen-
eral to appor-
tion tax for.

SEC. 5. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-seven, the sum of thirty thousand dollars, and for the year eighteen hundred ninety-eight, the sum of twenty-eight thousand sixty-three dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 248.]

AN ACT relative to granting, regulating and licensing the business of pawnbroking, hawking and peddling goods, wares, and merchandise in the several townships of this State.

Hawkers,
peddlers and
pawnbrokers
to secure
license.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any persons to engage in the business of hawking, peddling, or pawnbrokerage, by going about from door to door or from place to place, or from any stand, cart, vehicle or in any other manner in the public streets, highways or in or upon the wharves, docks, open places or spaces, public grounds or public buildings in any township in this State, without first having obtained from the township board of the township where such business is to be carried on, a license therefor.

License,
amount of, to
be fixed by
township
board.

SEC. 2. It shall be the duty of the township board of every township of the State, immediately after this act shall take effect, to fix the amount of such license in townships of less than one thousand population, five dollars; in townships of not less than one thousand population, and not over twenty-five hundred, not less than ten dollars nor more than twenty dollars; in townships whose population exceeds twenty-five

hundred, not less than fifteen dollars nor more than thirty dollars.

SEC. 3. The actions of the township board in fixing the amount of such license shall be by resolution, which shall be spread at length upon the records of the proceedings of the board and the same may be annulled or amended by resolution of the township board passed at any subsequent meeting thereof and spread at length upon the records of its proceedings: *Provided*, That such resolutions, or any resolution, annulling or amending the same, shall not take effect until twenty days after a written or printed copy of the same shall have been posted in five of the public places in the township. The person or persons posting copies of any such resolution shall make and file with the township clerk proof by affidavit of the fact of such posting. And in all suits, actions and proceedings where the passage of any such resolution by the township board, or the posting of copies thereof as above provided, shall come in question, a copy of such resolution, and of such affidavit, certified under the hand of the township clerk, shall be *prima facie* evidence of the due passage of such resolution and of the posting of copies thereof.

To be fixed by resolution.

Proviso as to time of taking effect.

Copies to be posted.

SEC. 4. License granted under this act shall not be transferable, and shall expire on the first Monday of May next after the granting thereof. Every person to whom a license shall be issued under this act shall give upon demand of the township clerk a bond in the sum of fifty dollars with two sufficient sureties to be approved by the township clerk, conditioned that he will carry on said business in a quiet and orderly manner, and that he will faithfully observe all the laws of this State and the rules, regulations and ordinances of the township or village where his business shall be carried on in relation to said business.

License not transferable.

Bonds to be given.

SEC. 5. All sums received for license granted under authority of this act shall be paid into the township treasury of the township granting the license, to the credit of the contingent fund.

All sums received for license to be paid into township treasury.

SEC. 6. Every person who shall be found traveling and trading or soliciting trade, contrary to the provisions of this act, or without the license required by any resolution of any township board passed in pursuance thereof, or not producing upon demand of any person said license, or contrary to the terms of any license that may have been granted to him as a hawker, peddler or pawnbroker, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for a period not exceeding three months, or by both such fine and imprisonment, in the discretion of the court before which the conviction may be had.

Penalty for violation.

Supervisors to
enforce act.

SEC. 7. It shall be the duty of the supervisor of each township in the State to see that this act is enforced and in case of any violation thereof to immediately notify the prosecuting attorney of the proper county whose duty it shall be to take all proper steps for the prosecution of the offender.

Exemptions.

SEC. 8. Nothing contained in this act shall prevent any person from selling any meat or fish in townships outside of any incorporated city or village, nor any nurseryman from selling his stock by sample or otherwise, nor any person, firm or corporation engaged in the sale of farm machinery and implements; nor any manufacturer, farmer or mechanic residing in this State from selling or offering for sale his work or production by sample or otherwise, without license, nor shall any wholesale merchant, having a regular place of business, be prevented by anything herein contained from selling to dealers by sample, without license; but no merchant shall be allowed to peddle, or to employ others to peddle goods not his own manufacture without the license provided for in this chapter.

Sections
repealed.

SEC. 9. Sections sixteen to twenty-five inclusive of chapter twenty-one of the revised statutes of eighteen hundred forty-six, entitled "Hawkers and peddlers," being sections twelve hundred fifty-seven to twelve hundred sixty-six inclusive of Howell's annotated statutes, act number two hundred four of the public acts of eighteen hundred eighty-nine, being sections one thousand two hundred and sixty-six *a* to one thousand two hundred and sixty-six *e* inclusive of Howell's annotated statutes; and act number one hundred thirty-seven of the public acts of eighteen hundred and ninety-five are hereby repealed.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 249.]

AN ACT to provide for the appointment of township, city and village commissioners for the destruction of noxious weeds.

Commissioner
appointed,
when.

SECTION 1. *The People of the State of Michigan enact*, That in any township, village or city in this State the township board, village or city council on or before the first day of May of each year may appoint a commissioner known as a commissioner for the destruction of noxious weeds who shall hold office during the pleasure of said township board, village or

city council and such order of appointment and of revocation shall be entered at large upon the township or city records.

SEC. 2. It shall be the duty of every owner, occupant or person having charge of lands, in this State, to cut down or cause to be cut down all Canada thistles, milkweed or other noxious weeds growing thereon, or on lands between the center of any highway passing through the same, in each and every year so often as shall be sufficient to prevent said Canada thistles, milkweed or other noxious weeds going to seed; and if any owner, occupant or person having charge of such lands shall knowingly suffer any such Canada thistles, milkweed or other noxious weeds to grow thereon, and the same to ripen so as to cause or endanger the spread thereon, he shall, on conviction, be punished by a fine of ten dollars, together with the costs of prosecution, and in default of payment of the same be imprisoned in the county jail of the county where the land is situated for a period not exceeding twenty days.

Duty of owners or occupants of lands.

Penalty.

SEC. 3. When the commissioner shall have knowledge or information that Canada thistles, milkweed or other noxious weeds are growing upon any lands in his township contrary to the provisions of this act, he shall see to it that the provisions of this act are carried out within his township and he shall give a written notice to the owner, occupant or person having charge of such lands describing the same by their legal subdivisions within his township whereon Canada thistles, milkweed or other noxious weeds shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice, and in case such owner, occupant or person having charge of said lands shall refuse or neglect to cut or cause to be cut down the said Canada thistles, milkweed or other noxious weeds, the commissioner shall enter upon the lands where said Canada thistles, milkweed or other noxious weeds are growing and cause all such Canada thistles, milkweed or other noxious weeds to be cut down and destroyed, doing as little damage as may be while in performance of such duty, and the said commissioner shall not be liable for so entering upon said lands for the purpose of performing such duty except for any actual damage to the crops growing thereon which shall result from his wilful and unlawful act or gross negligence: *Provided*, That when such Canada thistles, milkweed or other noxious weeds are found growing upon non-resident lands, and no one to the knowledge or information of said commissioner shall have charge thereof, it shall not be necessary to give notice before proceeding to cut down said Canada thistles, milkweed or other noxious weeds.

Duty of commissioner.

May enter upon lands.

Proviso as to non-resident lands.

SEC. 4. The commissioner shall keep an accurate account of the expenses incurred, and time employed by him in carrying out the provisions of section three of this act with respect

Compensation of commissioner.

Occupant of
lands liable
for compen-
sation.

When lands
are non-
resident.

When owner,
etc., refuses
to pay.

Auditing of
claims of
commissioner.

Claims to be
paid.

to each parcel of land so entered upon and for the time so employed he shall be entitled to charge at the rate of one dollar and fifty per day, and one dollar for each one half day by him actually and necessarily employed while performing said duty, and when said duty shall have been performed in the destruction of Canada thistles, milkweed and other noxious weeds growing on resident lands or on lands in the charge of any person known to said commissioner he shall present a statement duly verified of such charges describing the land whereon the same were incurred by its legal description to the owner, occupant or custodian and demand of him payment therefor. When the commissioner shall incur any expense or employ any time in the destruction of Canada thistles, milkweed or other noxious weeds found growing on non-resident lands as provided in section three of this act he shall make out a complete statement showing such expenses and time employed and for which time employed he may charge at the same rates as for duties performed relative to resident lands, and shall file such statement with the township clerk as hereinafter provided.

SEC. 5. In case the owner, occupant or custodian of any lands shall neglect or refuse for the space of thirty days to pay the charges of such commissioner as specified in section four of this act it shall be the duty of said commissioner to file such statement of charges with the township clerk of the township wherein such charges were incurred, five days before the last Saturday of September of each year, and he shall also file within the same time with the said township clerk the aforesaid statement of charges incurred relative to all non-resident lands in his township: On the said last Saturday of September it shall be the duty of the township boards of the several townships of this State with township clerk of which, any statement of charges provided for in this act shall have been filed, to meet at the township clerk's office at the hour of two o'clock in the afternoon for the purpose of auditing and allowing said charges. Said meeting shall be called by the township clerk by written notice served on each member of said board three days before the date fixed for said meeting. When such township board shall have met pursuant to the call of the township clerk as aforesaid, it shall be the duty of said township board to audit all claims for charges found on file with the township clerk and at which meeting it shall be the right of all parties interested therein to appear before said board and be heard with reference to the legality and amount of such charges.

SEC. 6. The amount of all claims for charges in this act provided for which shall be audited and allowed by any township board, shall be paid to the said commissioner from the township treasury in the same manner as other charges allowed against townships are paid.

SEC. 7. The township clerk after said allowance shall make a statement of all such claims as have been so allowed under the provisions of this act with a description of the land relative to which such charges have been allowed to the supervisor of the township who shall cause the several amounts so allowed to be levied on the lands so described in a separate column in the tax roll of his township, and which taxes so spread shall in all respects be collected or returned in the same manner as other taxes assessed upon real estate are collected or returned and when the same are collected they shall be paid into the treasury of the township for the purpose of reimbursing such township for any expenses which may have been incurred in carrying out the provisions of this act.

To be spread
on tax rolls.

SEC. 8. Any commissioner who shall neglect or refuse to discharge the duties imposed upon him by the provisions of this act shall be punished by a fine of ten dollars together with the costs of prosecution and in the default of payment thereof be imprisoned in the county jail for a period of ten days.

Penalty for
neglect by
commissioner.

SEC. 9. All railroad corporations doing business in this State shall, each year, between the fifteenth day of June and the first day of July, and again between the tenth day of August and the first day of September, and at any time during the year so often as shall be sufficient to prevent Canada thistles, milkweed or other noxious weeds going to seed, cause all Canada thistles, milkweed or other noxious weeds growing upon lands occupied by them in any city, village or organized township in this State to be cut down and destroyed.

Duty of
railroad
companies.

SEC. 10. In case any railroad company shall refuse or neglect to comply with the requirements specified in the second section of this act, then it shall be lawful for said commissioner to cut said Canada thistles, milkweed or other noxious weeds between the first and fifth days of July, inclusive, and between the first and fifth days of September, inclusive, in each year or so often as shall be sufficient to prevent said Canada thistles, milkweed or other noxious weeds going to seed to endanger the spread thereof, at the expense of the corporation on whose lands said Canada thistles, milkweed or other noxious weeds shall be so cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this State.

Commissioner
to cut weeds
on railroad
lands.

SEC. 11. All gravel or plank road companies doing business in this State shall, between the fifteenth day of June and the first day of July, and again between the fifteenth day of August and the first day of September in each year, cause all Canada thistles, milkweed or other noxious weeds growing on lands occupied by them in any village or organized township of this State to be cut down and destroyed.

Gravel and
plank road
companies.

SEC. 12. In case any [gravel or] plank road company shall refuse or neglect to comply with the requirements specified

Suit may be
brought,
when.

Commissioner
not to give
security for
costs.

Proceedings
on refusal
or neglect.

Acts repealed.
Proviso as to
township
officers.

in the second section of this act, it shall be liable in a penalty of twenty-five dollars, to be prosecuted for in action of debt by any person feeling himself aggrieved, suit may be brought before any justice of the peace of the county, who shall require of the complainant surety to pay costs in case he fails to maintain his action. Summons may be served on any agent or officer of the company: *Provided*, That if above named action be brought by said commissioner as provided for in section one of this act he shall not be required to give surety for costs for prosecution but shall bring such action by the consent of the township board of his township.

SEC. 13. In case any gravel or plank road company shall refuse or neglect to comply with the requirements specified in the second section of this act, then it shall be lawful for any commissioner to cut or cause to be cut said Canada thistles, milkweed or other noxious weeds between the first and fifth day of July, inclusive, and between the first and fifth days of September, inclusive, in each year, or so often as shall be sufficient to prevent said Canada thistles, milkweed or other noxious weeds going to seed to endanger the spread thereof, at the expense of the corporation on whose lands said Canada thistles, milkweed or other noxious weeds shall be cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this State.

SEC. 14. Any act or acts or any part thereof inconsistent with this act be and the same is hereby repealed: *Provided*, That nothing in this act shall be construed as releasing the overseer and commissioner of highways from their relative duties in having the control and causing all Canada thistles, milkweed and other noxious weeds cut and destroyed in the highways of their respective highway districts.

Approved June 2, 1897.

[No. 250.]

AN ACT to amend section five of chapter seventy-five of the revised statutes of eighteen hundred forty-six, entitled "Of the administration and distribution of the estate of intestates," as amended by subsequent acts, being section five thousand eight hundred and fifty-one of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter seventy of the revised statutes of eighteen hundred forty-six, entitled "Of the administration

and distribution of the estate of intestates," as amended by subsequent acts, being section five thousand eight hundred fifty-one of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

SEC. 5. When by reason of delay in granting letters testamentary or of administration, or when from any other cause the judge of probate deems it expedient so to do, he may, after such notice as he may direct, or without notice in his discretion, appoint an administrator to act in collecting and taking charge of the estate of the deceased until an executor or administrator shall be appointed; and no appeal shall be allowed from the appointment of such special administrator.

When special administrator may be appointed.

Approved June 2, 1897.

[No. 251.]

AN ACT to amend section seven of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having charge thereof."

SECTION 1. *The People of the State of Michigan enact*, That section seven of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having charge thereof," be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 7. Any person elected county road commissioner shall, within ten days after being notified in writing, by the clerk of such county, of his election, take and subscribe the constitutional oath of office and file the same with said clerk. The term of office of the first commissioners elected in any county under this act shall commence immediately upon filing such oath of office, and shall continue for the term hereinafter provided computing from the first day of May then next following. The successor to each such commissioner shall be elected on the first Monday in April, in each year in which a regular session of the legislature is held preceding the expiration of his term. If the number of such commissioners be so fixed at two, they shall hold office for two and four years respectively from said first day of May, and thereafter one commissioner shall be biennially elected for the full term of four years. If the number of such commissioners shall be so fixed at three, they shall

Commissioner to subscribe and file oath of office.

Term of office.

When successor to be elected.

Duration of term of office.

Proviso as to
Wayne
county.

Supervisors
may reduce
number of
commis-
sioners.

hold office for two, four and six years respectively from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of six years. If the number of such commissioners shall be so fixed at four, they shall hold office for two, four, six and eight years respectively from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of eight years. If the number of such commissioners shall be so fixed at five, they shall hold office for two, four, six, eight and ten years respectively from the said first day of May, and thereafter one commissioner shall be biennially elected for the full term of ten years: *Provided*, That in Wayne county the term of office of such road commissioner and the time for the election of such commissioner, or commissioners whether for the full term or to fill vacancy, shall be such as the board of supervisors of Wayne county shall fix. No member of the board of supervisors shall be eligible to the office of county road commissioner, and such offices shall not be held by the same person at the same time: *Provided further*, That the board of supervisors of any county where the county road system has been adopted, and the number of road commissioners has been fixed by the board of supervisors at a greater number than two, may reduce the number to not less than two; and in case of a reduction in number as aforesaid no successors shall be elected to those commissioners whose term shall soonest expire until the number of commissioners shall be reduced to the number specified by the board of supervisors, and thereafter successors shall be elected for the terms hereinbefore provided, depending upon the number at which said board of commissioners shall have been thus reduced and fixed by the board of supervisors.

Approved June 2, 1897.

[No. 252.]

AN ACT to repeal certain obsolete and inoperative statutes.

Acts repealed.

SECTION 1. *The People of the State of Michigan enact*, That the following acts be and the same are hereby repealed, to wit:

No. 66 of 1873.

Act number sixty-six of eighteen hundred and seventy-three, entitled "An act directing the county clerks in each of the counties of this State to provide uniform ballots on constitutional amendments," being section two hundred and thirty-seven of Howell's annotated statutes.

Joint resolution
No 5 of
1861.

Joint resolution number five of eighteen hundred and sixty-one, entitled "Joint resolution for the transfer of certain scientific works from the State library to the library of the Uni-

versity," being section three hundred and six of Howell's annotated statutes.

Act number one hundred and ten of eighteen hundred and seventy-seven, entitled "An act providing for the transfer of unexpended balances of appropriations," being sections three hundred and fifty-nine and three hundred and sixty of Howell's annotated statutes. Act No. 110 of 1877.

Joint resolution number three of eighteen hundred and seventy-seven, entitled "Joint resolution to provide for a revision of the system of keeping State accounts," being section three hundred and seventy-three of Howell's annotated statutes. Joint resolution No. 3 of 1877.

Act number one hundred and twenty-two of eighteen hundred and sixty-one, entitled "An act to provide for the redemption of the bonds of the State maturing January first, eighteen hundred and sixty-three," being sections three hundred and seventy-four to three hundred and eighty-one inclusive of Howell's annotated statutes. Act No. 122 of 1861.

Act number eighty-five of eighteen hundred and sixty-five, entitled "An act authorizing a war bounty loan," being sections three hundred and eighty-two to three hundred and eighty-six inclusive of Howell's annotated statutes. No. 85 of 1865.

Act number two hundred and ninety-five of eighteen hundred and sixty-five, entitled "An act to authorize a war bounty loan," being sections three hundred and eighty-seven to three hundred and ninety-two inclusive of Howell's annotated statutes. No. 295 of 1865.

Act number fifty-three of eighteen hundred and forty-three, entitled "An act in relation to the payment of interest on certain State stocks," being section three hundred and ninety-three of Howell's annotated statutes. No. 53 of 1843.

Act number seven of eighteen hundred and seventy-two, entitled "An act to provide for the payment of the interest of the State debt," being section three hundred and ninety-four of Howell's annotated statutes. No. 7 of 1872.

Sections one and two of act number one hundred and five of eighteen hundred and fifty-five, entitled "An act relative to the disposition of the surplus funds in the State treasury," being sections three hundred and ninety-six and three hundred and ninety-seven of Howell's annotated statutes. Sections 1 and 2 of act 105 of 1855.

Joint resolution number seven of eighteen hundred and sixty-nine, entitled "Joint resolution to provide for applying the surplus funds in the State treasury in payment of the interest bearing bonds of this State," being section four hundred and one of Howell's annotated statutes. Joint resolution No. 7 of 1869.

Act number one hundred and ninety-nine of eighteen hundred and eighty-five, entitled "An act to authorize the enlisting, organization, equipping and mustering into the State service of military companies at Menominee, Muskegon, Detroit, Jackson, Grand Rapids and Houghton, in the State of Michigan, to be attached to the regiments of the State Act No. 199 of 1885.

troops," being sections nine hundred and seventy-six *a-b-c* of Howell's annotated statutes.

Joint resolution No. 15 of 1885.

Joint resolution number fifteen of eighteen hundred and eighty-five, entitled "Joint resolution to provide for alphabetically indexing the names of all soldiers from this State in the late war, found upon the records of the Adjutant General's office," being section nine hundred and ninety-three *k* of Howell's annotated statutes.

Act No. 282 of 1887.

Act number two hundred and eighty-two of eighteen hundred and eighty-seven, entitled "An act to provide for the publication of the names and postoffice addresses of ex-soldiers, sailors and marines living in the State of Michigan and to make an appropriation therefor," being sections nine hundred and ninety-three *l-r* inclusive of Howell's annotated statutes.

No. 83 of 1889.

Act number eighty-three of eighteen hundred and eighty-nine, entitled "An act to provide for the apportionment of State taxes charged to Ontonagon county for the years eighteen hundred and eighty-eight, eighteen hundred and eighty-nine and eighteen hundred and ninety, between the counties of Ontonagon and Gogebic, and to provide for the assessment, levy and collection of the same," being sections one thousand one hundred and seventy *l 3-6* inclusive of Howell's annotated statutes.

No. 229 of 1881.

Act number two hundred and twenty-nine of eighteen hundred and eighty-one, entitled "An act to provide for the sale of State tax lands," and act seven of eighteen hundred and eighty-two amendatory thereof, being sections one thousand one hundred and seventy-two, one thousand one hundred and seventy-three, one thousand one hundred and seventy-three *a-d* inclusive of Howell's annotated statutes.

No. 225 of 1881.

Act number two hundred and twenty-five of eighteen hundred and eighty-one, entitled "An act to provide for the location, establishment and organization of an additional asylum for the insane," being sections one thousand nine hundred and thirty-one to one thousand nine hundred and forty-three inclusive of Howell's annotated statutes.

No. 233 of 1879.

Act number two hundred and thirty-three of eighteen hundred and seventy-nine, entitled "An act to provide for the killing of elk in the State of Michigan," being section two thousand two hundred and twenty of Howell's annotated statutes.

No. 115 of 1851.

Act number one hundred and fifteen of eighteen hundred and fifty-one, entitled "An act to provide for publishing the annual report of the Michigan State Agricultural Society," being section two thousand two hundred and ninety-five of Howell's annotated statutes.

No. 93 of 1853.

Act number ninety-three of eighteen hundred and fifty-three, entitled "An act making an appropriation to aid the Michigan State Agricultural Society and to provide for pub-

lishing the annual reports of said society," being section two thousand two hundred and ninety-six of Howell's annotated statutes.

Joint resolution number fifteen of eighteen hundred and fifty, entitled "Joint resolution relative to furnishing certain laws, journals and documents to the Michigan State Agricultural Society for the use of a library," being section two thousand two hundred and ninety-seven of Howell's annotated statutes. Joint resolution No. 15 of 1850.

Act number thirty-one of eighteen hundred and sixty-five, entitled "An act to authorize the State Treasurer to burn and destroy the notes of the late government stock bank of Ann Arbor, now remaining in his office, and the notes of other banks in like condition," being section three thousand two hundred and nine of Howell's annotated statutes. Act No. 31 of 1865.

Act number one hundred and thirty-three of eighteen hundred and fifty-five, entitled "An act to authorize the formation of corporations for building and leasing houses and other tenements," being sections three thousand nine hundred and eighty-two and three thousand nine hundred and eighty-three of Howell's annotated statutes. No. 133 of 1855.

Act number forty-one of eighteen hundred and fifty-three, entitled "An act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver or other ores or minerals and for other manufacturing purposes," being sections four thousand one to four thousand twenty-eight of Howell's annotated statutes. No. 41 of 1853.

Act number nineteen of eighteen hundred and eighty-five, entitled "An act supplementary to an act entitled 'An act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes,' approved February fifth, eighteen hundred and fifty-three," being sections four thousand twenty-nine to four thousand thirty-four inclusive of Howell's annotated statutes. No. 19 of 1885.

Act number one hundred forty-two of eighteen hundred and seventy-three, entitled "An act to relieve mining corporations and their officers in the upper peninsula, who have failed to make their reports and returns as required by law," being section four thousand seventy-five of Howell's annotated statutes. No. 142 of 1873.

Act number one hundred and four of eighteen hundred and sixty-seven, entitled "An act to authorize the formation of corporations for manufacturing cheese and other products from milk," being sections four thousand one hundred and sixty-five to four thousand one hundred and sixty-seven inclusive of Howell's annotated statutes. No. 104 of 1867.

Act number forty-three of eighteen hundred and sixty-seven, entitled "An act to provide for establishing health institutions," being sections four thousand eight hundred to No. 43 of 1867.

four thousand eight hundred and two inclusive of Howell's annotated statutes.

No. 239 of 1887. Act number two hundred and thirty-nine of eighteen hundred and eighty-seven, entitled "An act making an appropriation for the erection and equipment of a suitable building for the use of the Mining School at Houghton, in the upper peninsula of Michigan, including all permanent fixtures, heating and lighting apparatus, etc.," being sections five thousand twenty-five *k-w* of Howell's annotated statutes.

No. 144 of 1883. Act number one hundred and forty-four of eighteen hundred and eighty-three, entitled "An act to provide for the compulsory education of children in certain cases," being sections five thousand one hundred and seventy-four *g-m* inclusive of Howell's annotated statutes.

No. 108 of 1885. Act number one hundred and eight of eighteen hundred and eighty-five, entitled "An act to provide for the compulsory reformatory education of juvenile disorderly persons," being sections five thousand one hundred and seventy-four *n-u* inclusive of Howell's annotated statutes.

Joint resolution No. 23 of 1847. Joint resolution number twenty-three of eighteen hundred and forty-seven, entitled "Joint resolution in relation to bonds and mortgages given to secure loans from the University and school funds," being section five thousand three hundred and fifty-nine of Howell's annotated statutes.

Joint resolution No. 28 of 1867. Joint resolution number twenty-eight of eighteen hundred and sixty-seven, entitled "Joint resolution relative to the location and sale of the lands donated to the State of Michigan for the endowment of colleges for the benefit of agriculture and the mechanic arts," being section five thousand three hundred and seventy-nine of Howell's annotated statutes.

Joint resolution No. 28 of 1879. Joint resolution number twenty-eight of eighteen hundred and seventy-nine, entitled "Joint resolution authorizing and instructing the agricultural land grant board to adjust certain alleged irregular sales of agricultural college lands," being section five thousand three hundred and eighty of Howell's annotated statutes.

Act No. 137 of 1895. Act number one hundred and thirty-seven of eighteen hundred and ninety-five, entitled "An act to amend section one of act number two hundred and four, session laws of eighteen hundred and eighty-nine, entitled 'An act to authorize the township board of any township in the upper peninsula to license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate the license and sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the township for that purpose, or from any stand, cart, vehicle or other device in the streets, highways or in or upon any wharves, docks, open places or spaces, public grounds or buildings in the township, and to provide a forfeiture for every person who, without license, or contrary to the terms of any

license granted to him, shall exercise any occupation or trade, or do anything in respect to which any license shall be required, by any resolution or regulation of the township board made or passed under authority of this act;’ and to repeal section six of chapter twenty-one of the revised statutes of eighteen hundred and forty-six, as amended by the several acts amendatory thereof, being sections one thousand two hundred and fifty-seven to one thousand two hundred and sixty-six inclusive of Howell’s annotated statutes.”

Act number one hundred and eighty-eight of eighteen hundred and ninety-five, entitled “An act to amend section one of act number one hundred and forty-four of the public acts of eighteen hundred and eighty-seven, entitled ‘An act to provide for the adoption and change of name of minors, and for making them heirs at law of the person or persons adopting them,’” the same being compiler’s section number six thousand three hundred and seventy-nine *a* of third Howell’s annotated statutes: *Provided, however,* That, notwithstanding the repeal of the above mentioned acts, all rights of whatever nature, whether of incorporation, existence, franchise, property or action now existing, are expressly preserved, and the above mentioned acts, for the enjoyment and enforcement of any such rights, shall be deemed to be still in force, but for no other purpose whatsoever. No. 188 of 1895.
Proviso.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 253.]

AN ACT to provide for the incorporation of commercial, mercantile, collection and reporting agencies.

SECTION 1. *The People of the State of Michigan enact,* That any three or more persons, residents of this State, desiring to become incorporated for the purpose of collecting, compiling and preserving reports and information concerning the financial standing, reputation and responsibility of individuals, firms or corporations; and for the further purpose of furnishing and selling such reports to members of and subscribers to such corporation or to other persons, firms or corporations; and for the further purpose of collecting accounts, claims and demands for their members, subscribers and such other individuals, firms and corporations as may desire or require their services, who shall comply with the provisions of this act, shall Who may incorporate.

with their successors and assigns constitute a body politic and corporate in fact and in name, under any name assumed by them in the articles of incorporation: *Provided*, That no two such corporations so incorporated shall assume the same name.

Articles of
association,
to contain
what.

SEC. 2. The articles of association of every such corporation shall be signed by the persons associating in the first instance and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state:

First, The names of the [parties] persons associating in the first instance and their places of residence;

Second, The corporate name by which such corporation shall be known in law;

Third, The place of its business office and the period for which it is incorporated, which period shall not exceed thirty years;

Fourth, The object for which it is incorporated.

Articles of
association,
filed where.

SEC. 3. A copy of said articles of association shall be filed with the Secretary of State and a copy thereof shall also be filed with the county clerk of the county of this State in which the office of said association for the transaction of business shall be located; and provided that any association incorporated under the provisions of this act shall be governed by section twelve of act number one hundred and sixty-four of the public acts of eighteen hundred ninety-five; and a copy of the record of such articles of association under seal of this State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State for the existence and due incorporation of such corporation.

Powers of
corporation.

SEC. 4. Such corporation shall have full power and authority to make and establish rules, regulations and by-laws for the regulating and governing the affairs of said corporation according to the laws of this State and of the United States, and to designate, elect and appoint in such manner as they shall determine, all necessary officers, may fix their compensation and determine their duties, and may make from time to time such by-laws not inconsistent with the constitution and laws of this State as a majority of the members thereof shall direct.

Idem.

SEC. 5. Any corporation formed under this act shall possess all the powers usually possessed by corporations, and may take, purchase, receive, hold and enjoy to them and to their successors or assigns, estates real and personal to the amount not exceeding one hundred thousand dollars; and shall be capable of suing and being sued in any court of this State and may have a common seal and may alter and amend same at pleasure: *Provided*, That each stockholder in said corporation shall be personally liable for any moneys collected by said corporation for its customers in the regular course of the business of such corporation, and in case any stockholders shall be

Liability of
stockholders.

holden for any debt he may collect from each stockholder the *pro rata* share due from each.

SEC. 6. All corporations formed under this act shall have a capital stock of not less than ten thousand dollars and shall have a paid up capital of not less than ten thousand dollars.

Approved June 2, 1897.

[No. 254.]

AN ACT to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto.

CHAPTER I.

DRAINS.

SECTION 1. *The People of the State of Michigan enact,* That drains may be located, established, constructed and maintained, and drains and water courses may be cleaned out, straightened, widened, deepened and extended, whenever the same shall be conducive to the public health, convenience or welfare.

Establishment and cleaning out of drains and water courses.

SEC. 2. The word "drain" whenever used in this act shall be deemed to include any water course or ditch, opened or proposed to be opened and improved for the purpose of drainage, and any artificial ditch or drain, levee, dyke or barrier, or tile drain proposed or constructed for such purpose.

Interpretation of word "drain."

CHAPTER II.

DRAIN COMMISSIONER.

SECTION 1. The board of supervisors of each organized county in this State shall, at their annual meeting in the year eighteen hundred and ninety-seven and every second year thereafter, appoint one county drain commissioner, whose term of office shall be two years, and shall begin on the first day of January following his appointment. All county drain commissioners holding office at the time this act takes effect shall continue in office until the first day of January, eighteen

Appointment of county drain commissioner.

Term of office.

Present drain commissioners to hold office to January 1, 1898.

Vacancy, how filled.	hundred and ninety-eight. In case of vacancy in the office of the county drain commissioner occurring thirty days or more previous to a regular or special meeting of the board of supervisors, the same may be filled within ten days, or as soon thereafter as practicable, by appointment by a majority vote of the county clerk, prosecuting attorney and judge of probate of the county and of which election they shall file the certificate with the county clerk, and the person so appointed shall hold his office until the next regular or special meeting of the board of supervisors, when the said board shall fill such vacancy.
To subscribe to oath and file bond.	Every county drain commissioner shall within ten days after his appointment, take, subscribe and file with the county clerk the oath of office required by the constitution of this State and shall also within the same time execute and file with such clerk a bond to the county in the penal sum of five thousand dollars with two or more sufficient sureties to be approved by such clerk, conditioned upon the faithful discharge of the duties of his office. It shall be the duty of the
Clerk to notify Secretary of State.	county clerk, upon the appointment of any county drain commissioner, to make report thereof to the Secretary of State, giving also the date that he qualified and entered upon the discharge of his duties.
Drain commissioner to hold office for remainder of term.	SEC. 2. All county drain commissioners heretofore appointed, who may be in office when this act takes effect shall continue to hold their respective offices for the remainder of the term for which they have been appointed, and they shall be deemed to be the drain commissioners of their respective counties until their successors are chosen and qualified under the provisions of this act.
Jurisdiction of county drain commissioner.	SEC. 3. The county drain commissioner shall have jurisdiction over all drains within his county including those heretofore established and now in process of construction by township drain commissioners, except that in all cases where the entire drain shall be laid in one county, and the benefits to be derived therefrom and the assessments for its construction shall extend to lands situated in one or more adjoining counties, then all such drains shall be laid by the commissioners of such counties acting jointly, and all their proceedings shall be had under the provisions of this act regulating the construction of drains traversing more than one county.
County drain commissioner may run drain through a city.	SEC. 4. In case it is proposed to run a part of a drain through an incorporated city, the whole of such drain shall be located, established and constructed, and the assessment for its construction made by the county drain commissioner in the same manner as herein provided for the construction of other drains by county drain commissioners, and whenever the word
Word township construed to mean city. When appeal to be taken to common council.	"township," is used in this act, it shall be construed to mean "city," as the case may be: <i>Provided</i> , That when an appeal is taken from the assessment of such county drain commissioner by the owner of lands in a city, such appeal shall be made to the common council of such city subject in every other respect

to the provisions of this act covering appeals made to township boards.

SEC. 5. It shall be the duty of each county drain commissioner to make and keep a full financial statement of each drain laid out by him. The county drain commissioner shall also make and keep in his office, in a book to be provided for that purpose, a complete record of each drain laid out or applied for under his supervision, under the provisions of this act, which record shall include a copy of the application for the laying out of the drain, of the minutes of the survey, of the releases of the right of way where the same has been released, together with the minutes of his doings, of his orders of determination of the necessity for, and of the establishing the drain, and his assessments of benefits. Where special commissioners or a jury have been called it shall also contain a copy of the application to the probate court, of the return of the special commissioners or jury as the case may be, and of all other papers in his office necessary to show a complete history of each drain, all of which said original papers shall then be deposited and filed in the office of the county clerk. And no drain tax shall be spread until all the records required have been deposited and filed in the office of the county clerk.

Commissioner to keep a financial statement.

Record of drain.

In case of special commissioners, original papers to be filed in office of county clerk.

SEC. 6. Drain commissioners may take acknowledgments of releases of right of way and administer oaths in all proceedings in any way pertaining to drains under this act. A simple form of release of right of way and damages that shall set forth by reference to the survey of the drain, or by other convenient description, the particular land intended to be conveyed, and signed and acknowledged by the person having the right to convey, shall be deemed a sufficient conveyance under the provisions of this act. All releases for rights of way shall be deemed to include sufficient ground on each side of the center line of such drain for the deposit of the excavations therefrom.

May take acknowledgments and administer oaths. Release of right of way.

Sufficient conveyance.

Right of way to include what.

SEC. 7. Every county drain commissioner shall make a report to the board of supervisors on the second day of their annual meeting in October, of each year, of all drains constructed, finished or begun under his supervision during the year then ending, and he shall also render to them a full financial statement of each drain. The reports required by this section shall include an itemized statement of all expenses and disbursements on account of each and every drain laid or operated by him during the year, and a debit and credit balance of every such drain. Each county drain commissioner shall be liable on his bond for any gross neglect of duty or any misapplication of moneys coming under his control as such drain commissioner.

County drain commissioner's report.

Financial statement. Reports to include what.

Liability of county drain commissioner.

SEC. 8. No person holding the office of supervisor, highway commissioner or township clerk shall be eligible to the office of county drain commissioner, and any county drain commissioner accepting the office of supervisor, highway commis-

Who eligible to the office.

sioner or township clerk shall thereupon be considered as having vacated the office of county drain commissioner.

Office
abolished.

SEC. 9. The office of township drain commissioner is hereby abolished.

CHAPTER III.

LOCATION OF DRAIN.

Application
for drain.

Proviso.

Liability of
applicants
for cost.

Suit for costs.

Insufficient
financial re-
sponsibility.

To examine
route for pro-
posed drain.

To make
survey.

SECTION 1. Before the commissioner takes any action towards locating or establishing any drain there shall be filed with him an application signed by not less than ten freeholders of the township or townships in which such drain or the lands to be drained thereby and to be assessed therefor may be situated; also that three or more of said signers shall be owners of lands liable to an assessment for benefits in the construction of said drain: *Provided*, That where there are only three or less property owners liable to assessments for benefits, one or more of such owners of lands so liable shall be necessary upon such application, giving a general description of the beginning, the route and the terminus thereof. And in case any county drain commissioner shall directly or indirectly interest himself in securing signatures to an application for any drain he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed fifty dollars or by imprisonment in the county jail not to exceed ninety days or both such fine and imprisonment in the discretion of the court, and the office of such drain commissioner shall be deemed vacant, and the drain commissioner so convicted shall be incapable of again holding the office of county drain commissioner. Such applicants shall be jointly and severally liable for all costs and expenses in case the county drain commissioner upon examination or upon examination and survey shall determine that the same is unnecessary or impracticable or in case the proceedings shall be dismissed for other cause. If the persons signing such application shall refuse to pay such costs and expenses the county drain commissioner shall bring suit in a court of competent jurisdiction and collect such costs and expenses with costs of suits. If upon the presentation of such application the county drain commissioner shall deem the financial responsibility of the applicants insufficient he shall have the right to return such application for additional signatures.

SEC. 2. Upon the filing of such application, the county drain commissioner authorized to act thereon shall as soon as practicable thereafter proceed to personally examine the route of the proposed drain and if in his opinion it is necessary and conducive to the public health, convenience or welfare, that the application should be granted, he shall, as a means of determining the practicability thereof, make a survey and

measurement of the line of the proposed drain, or cause the same to be made by a competent surveyor. If upon such survey he shall find such drain to be practicable, he shall within ninety days make his first order of determination in writing in accordance therewith, therein particularly naming such drain by which it shall thereafter be known and shall establish the commencement, route, and terminus of said drain, and the width, length and depth thereof, and shall set survey or grade stakes not more than eight rods apart. For such purpose he shall have the right to enter upon any such lands traversed by the route of the proposed drain, or otherwise connected, with the purpose of the proceeding. In locating such drain the county drain commissioner shall not be limited or confined to the precise starting point, route or terminus set forth in the application. The record or minutes of the survey shall show the line and route of the drain, the points where the line of the drain crosses the boundary lines of each owner's land and the length thereof upon his land, and the width of surface excavation that will be required in its construction, and shall also show, by words, or letters and figures, the width of ground that will be required for the deposition of earth, and every release of right of way shall be deemed to include the extreme width thus shown.

Order of determination.

May enter upon lands.

Not confined to starting point.

Record of survey to show what.

SEC. 3. If at any time after the county drain commissioner has issued his first order of determination, establishing such drain as provided in section two of chapter three and before the letting of any contract for constructing the same all the owners of the lands through which, or for the benefit of which such drain is located, shall, by themselves, their agents or attorneys, pay to the county drain commissioner all the costs and expenses thus far incurred by him, and shall severally or jointly enter into a contract, with good and sufficient sureties and in such sum as the county drain commissioner may require, to construct so much of such drain, and on such route, and of such dimensions as the said commissioner may, in such contract, determine, and to pay all expenses necessary to be incurred in the construction of the same, then the county drain commissioner may so contract with such owner or owners, and such drain, when so finished and accepted, shall be certified by the county drain commissioner as a drain lawfully constructed in pursuance of the provisions of this act, and shall be recorded in the same manner as other drains. If any of such contracts are not fulfilled by the time limited therein, the county drain commissioner shall contract with other parties for the completion of the work, and the parties so in default, and their sureties, shall be liable for all costs and expenses attending such default.

Owners may contract to construct drain.

In what case commissioner may contract to other parties.

SEC. 4. If within twenty days after the making of such first order of determination, all the persons through whose lands the proposed drain is to pass shall not have executed a release of the right of way, and all damages on account thereof, the

When commissioner shall institute condemnation proceedings.

county drain commissioner shall, as soon as practicable, make application to the probate court of the county in which such lands are situated, for the appointment of three disinterested special commissioners, who shall be resident freeholders of the county, but not of the township or townships traversed by such drain, to determine the necessity therefor, and for the taking of private property for the use and benefit of the public, for the purpose thereof, and the just compensation to be made therefor. Such application shall be in writing, and shall set forth:

Application to set forth.

First, The fact that an application for a drain was made, and when, filing with said court a certified copy of such application, also giving the route, survey and specifications of said drain as set forth in the first order of determination;

Time order was made.

Second, That an order determining the necessity for such drain was made by the county drain commissioner, giving the time when such order was made, in accordance with such route, survey and specifications as above set forth;

Description of lands.

Third, (1) [The] That several descriptions or tracts of land with the names of the owner or owners of every such tract who have refused or neglected to execute a release of right of way and damages in any way arising or incident to the opening or maintaining the said proposed drain; (2) the several descriptions or tracts of land owned by any minor, incompetent person, unknown persons or non-residents of the township or townships, the execution of a release of right of way and damages or which have been neglected or refused; (3) it shall not be necessary to set forth in said application to the probate court the names of the several owners nor the descriptions of the several tracts or parcels of lands liable to an assessment for benefits, in case the drain applied for should be located and established, except those who have not released the right of way and through whose land the drain passes; nor shall the same be included in the citation issued from the probate court.

In case of minor or incompetent persons.

Not necessary to set forth names of owners of lands benefited.

Court to examine proceedings of commissioners.

SEC. 5. The court to whom such application is made shall make an examination at the time of such application of all the proceedings of the county drain commissioner so far as had, and if such proceedings be found to be in accordance with the statute, such court shall at once appoint a time and place of hearing upon the application, which time shall be fixed not less than fifteen nor more than forty days thereafter, and the court shall issue a citation to all persons whose lands are traversed by such drain, who have not released the right of way, and all damages on account thereof, to appear at the time and place designated in said citation, and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be granted, and any error or errors that may have been made in any of the proceedings thus far had shall be raised and taken advantage of at such time and before such court, and if not so raised and taken advantage of at such time and before such court

Issue citations.

shall be deemed to have been waived by all persons cited to appear under this notice. If any person on whom such service is to be made is a minor, under the age of fourteen years, or an incompetent person and resides in this State, such service shall be made as herein provided on his guardian, or if none, then on the person who may for such purpose be appointed special guardian and also on the person who has the care of, or with whom such minor or incompetent persons reside. In case any person whose lands are traversed by said drain is a minor or an incompetent person and has no guardian, the said court or the judge of said court shall appoint a special guardian, to appear for and attend to the interests of such minor or incompetent person and all notices to be served in the progress of the proceedings shall be served on such special guardian.

In case of minor, idiot, or person of unsound mind.

SEC. 6. The citation shall recite so much of the premises as will show jurisdiction, giving a description of the land traversed by such drain, and in the case of resident owners who reside upon the premises traversed by said drain shall be addressed to such owners by name; in the case of non-resident owner or owners not residing upon the land traversed, it shall be addressed to the non-resident owner or owners but it shall not be necessary to name such owner or owners. It shall describe the drain by its commencement, terminus and general course, and shall set forth that land owned by the persons to whom it is addressed will be crossed by such drain and may be subject to assessment for its construction, and that a description and survey of such drain is on file with the court issuing such citation, and describe the land to be taken. Such citation shall be personally served by the county drain commissioner or some other competent person, upon every person whose lands are traversed by the said drain, who has not released the right of way and all damages on account thereof, and who resides on any land to be traversed by said drain, by delivering to him or her a copy thereof or by leaving the same at his or her residence with some person of suitable age and discretion, who shall be informed of its contents. In all cases of personal service at least ten days shall intervene between the day of service and day of hearing, and the court issuing such citation shall require proof of such service by affidavit showing the time, place and manner of such service. Citations shall be served upon a township by leaving a copy thereof with the supervisor and highway commissioner of such township, or at their residences; upon cities by leaving a copy thereof with the mayor and street commissioner; upon the State by leaving or mailing a copy thereof to the State Land Commissioner and the prosecuting attorney of the county in which such lands are situated; upon railroad companies by leaving a copy thereof with the agent of any ticket or freight office of the company operating such railroads, and upon other corporations by serving the same upon the officer or person designated by law in cases of civil process. If any lands involved

Citation to recite what, and to be addressed to whom.

Drain; how described.

To set forth what.

Citation, how served, and upon whom.

Time to intervene between service and hearing.

How served upon townships, cities, State, railroad companies or other private corporations.

Non-resident
lands, citation
to be pub-
lished.

Time of pub-
lication.

In case of per-
sonal service,
not necessary
to publish.

Court to
whom applica-
tion is made
may adjourn
to hear per-
sons ag-
grieved.

When court
may appoint
special com-
missioners.

Time and
place of meet-
ing of.

Proviso as to
notice of
hearing.

are owned by non-residents of the township or townships, or by residents who do not reside upon the premises traversed by said drain, a copy of the citation so far as it affects such lands shall be published in some newspaper published and circulating in the county in which such lands are located for at least two weeks previous to the day of hearing, which publication shall be deemed to be sufficient notice to all such parties, and it shall not be necessary to name such owner or owners in said publication. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in the case of personal service. In case any owner of any land, wherever he may reside within the State, shall receive personal service of the citation, then as to such owner it shall not be necessary to publish such citation or serve it upon the occupant.

SEC. 7. The court to whom such application is made shall at the time and place fixed in the citation, or at any time to which it may adjourn, and upon proof of service and publication when required, proceed to hear all persons whose lands are traversed by said proposed drain, and such persons may show cause against the prayer set forth in the application, and may disprove any of the facts alleged therein, except the necessity of the drain and may raise any and all objections to any errors or irregularities made in the proceedings had thus far, if any, and the said court shall hear the proofs and allegations of the parties, and the objections so made to the proceedings, if any there be, and if no sufficient cause is shown against granting the prayer set forth in said application, the said court shall make an order appointing three disinterested and competent resident freeholders of said county not residents of the township or townships traversed by the drain, as special commissioners to ascertain and determine the necessity for such drain and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate proposed to be taken for the right of way for such drain. Such court shall immediately upon the appointment of such commissioners, and with the concurrence of the county drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter, at which time such special commissioners shall meet the county drain commissioner and other parties, who have not released the right of way, to consider the matters and things with respect to which they have been appointed, and the said court shall make public announcement thereof, and thereupon the proceedings shall be deemed a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case: *Provided*, That if it shall appear at such hearing that all parties have not been duly notified, the court may adjourn such hearing for a period sufficiently long to enable the county drain commissioner to

duly notify such parties in the manner heretofore provided and it shall not be necessary to again notify the parties who have received legal notice in the first instance. The probate court shall, if necessary, allow the county drain commissioner to amend his application at any time before the appointment of special commissioners and in case there is shown to be error in the proceedings of the county drain commissioner the probate court shall adjourn the hearing for sufficient time to allow the said commissioner to correct such error or errors: *Provided*, The application to establish the drain is shown to be sufficient under the statute: *Provided, further*, That any person whose premises are traversed by the proposed drain may in writing demand and have from such court at the time of hearing of said application a jury of twelve freeholders of said county, not residents of the township or townships traversed by such drain, to ascertain and determine the necessity for taking or using such lands, and to appraise and determine the damages and compensation to be allowed therefor. The demand of any one of the parties who have not released the right of way, for a jury, shall be deemed to be a demand for all, and if no jury be demanded on the part of any person who has not released the right of way before the appointment of special commissioners shall be made by such court, his or her right to the same shall be deemed to have been waived. Whenever such demand for such jury shall have been made, the court shall proceed in the same manner as is provided by law in case a jury is demanded for taking private property for the use of railroad companies, and all further proceedings had in the matter by such court and jury shall be in conformity with the provisions of law, as aforesaid, so far as the same shall apply: *Provided*, That when such jury shall have made their report, and the same shall have been confirmed by such court, a certified copy of such order of confirmation shall be furnished by the court to the county drain commissioner.

When commissioner may amend application.

Proviso as to sufficiency of application.

Further proviso as to demand for jury.

When deemed a demand for jury.

Proceedings when jury is demanded.

Proviso as to report of jury.

SEC. 8. If no demand for a jury shall be made, and the court shall have granted the prayer set forth in the application, such court shall proceed to deliver to the county drain commissioner a copy of the order appointing the special commissioners, and the county drain commissioner shall notify such special commissioners of their appointment and the time and place they are required to meet with him and the other parties, who have not released the right of way for said proposed drain. In case such special commissioners neglect or refuse to meet at such time and place with said county drain commissioner, the said county drain commissioner shall adjourn such day of meeting for a period not to exceed thirty days, and he shall give public notice by proclamation of the date, time and place of such adjourned meeting, and he shall, as soon as practicable, make application to the judge of probate, who shall appoint other special commissioners without

In case no jury is demanded.

When special commissioners refuse to meet, commissioner may adjourn meeting.

Other special commissioners to be appointed and take required oath.

To view premises to be taken.

To hear proofs.

Drain commissioner to produce original application.

Jury or commissioners may adjourn from day to day not to exceed ten days.

To make return within fifteen days.

Return to be filed with drain commissioner.

When judge of probate to return finding of jury for correction.

further notice or citations. They shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity of such drain, and the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be paid therefor. The said special commissioners, with the county drain commissioner and the other parties in interest who may be present, who have not released the right of way for said proposed drain, shall meet at the time and place ordered by said court and proceed at that time, or at any time to which they may adjourn, to view such premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of the proposed drain.

SEC. 9. The said jury or special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, and for the taking of such private property for the use and benefit of the public for the purpose thereof, and the just compensation to be made therefor in each case, which compensation shall be determined without reference to any benefits that may accrue to the land in consequence of the construction of such proposed drain. There shall be produced by the county drain commissioner at such hearing, the original application for the laying out of such drain, and the minutes of his action thereon, so far as had, also the first order of determination and the application to the probate court, with the citation annexed, and a copy of all the proceedings in the probate court, the original minutes of the survey, signed by the surveyor and the order appointing the jury or special commissioners as the case may be. The jury or special commissioners may adjourn such hearing from day to day, for any cause, not exceeding in all ten days, announcement of which adjournment shall be then and there publicly made.

SEC. 10. The said jury or special commissioners shall within fifteen days from the date of their first meeting make a return in writing of their hearing, determination and of their several awards. The special commissioners shall file said return with the county drain commissioner, who shall examine the same, and if he shall find such return not to be in substantial conformity with the statute, he shall return the same to the special commissioners for correction, with his objections in writing. The special commissioners shall thereupon proceed to correct their return, and file the same with the county drain commissioner within five days. When the county drain commissioner shall find such return to be without material error, he shall file the same with the other papers in his possession pertaining to such drain. In case of a jury they shall file and return to the judge of probate who shall examine the same, and if he shall find such return not to be in substantial conformity with the statute, he shall return the same to the jury

for correction, with his objections in writing. The jury shall thereupon proceed to correct their return, and file the same with the court within five days, and when such report shall have been confirmed by such court, a certified copy of such order of confirmation shall be furnished by the court to the county drain commissioner. Such return by such jury or special commissioners shall be deemed a sufficient conveyance to vest the fee of the lands necessary to be taken for such drain, and upon which damages are awarded in the county in which they are situated, in trust to and for the uses and purpose of drainage, and for no other use or purpose whatever: *Provided*, That the amount of compensation that may have been awarded therefor shall have been paid or tendered, or secured to the persons entitled thereto as hereinafter provided.

Jury to correct same.

Such return shall be deemed a sufficient conveyance.

Proviso as to amount of compensation.

SEC. 11. In case the special commissioners or jury shall decide such drain to be unnecessary they shall so state in their return, and the county drain commissioner shall thereupon dismiss the proceedings at the cost of the applicants, and no further application for the same object shall be entertained within one year thereafter.

In what case proceedings dismissed with costs to the applicant. No other application can be made in one year.

SEC. 12. If at any time before the appointment of special commissioners or jury provided for in this act or at any time before the filing of their return and award of damages, all of the parties through whose lands the proposed drain is to pass shall execute a release of right of way, and all damages on account thereof, then all proceedings for the appointment of special commissioners or jury and all actions taken by them after their appointment, shall be discontinued and void, and the county drain commissioner shall proceed as if no application for special commissioners or jury had been made.

In case of release of right of way.

SEC. 13. The county drain commissioner shall deduct the award of damages from the assessment of benefits, when made, on the tract which includes the right of way of said drain. In case the award of damages shall exceed the assessment of benefits, the county drain commissioner shall draw his orders on the county treasurer, for the amounts awarded in the return of the special commissioners or jury in excess of assessments for benefits, describing in each order the lands in payment whereof it is drawn, and before such drain shall be constructed such order shall be tendered by the county drain commissioner to the party entitled thereto: *Provided*, That if the owner of any lands upon which damages have been awarded in excess of apportionment of benefits be a non-resident of the township or townships traversed by said drain, or be unknown, or in case of a minor or otherwise incompetent person, such order shall be deposited with the county clerk, payable to the owner of such description of land upon which such damages were awarded. Such order shall be held by such clerk and be delivered by him to the owner of such lands when called for or otherwise legally demanded, and the same shall thereby be deemed to have been lawfully tendered to the owner of such

Duties of county drain commissioner relating to damages.

Proviso as to non-resident and incompetent persons.

Clerk to hold and deliver order.

Treasurer to
refund money.

In what case
tender to be
made in
money.

May have
order dis-
counted.

Proviso as to
discount.

Owner refus-
ing to receive
tender, com-
missioner to
deposit the
same with
county or
township
treasurer.

Drains may be
laid within
railroad right
of way.
Release ob-
tained as in
other cases.

Proviso as to
consent of
railroad
company.

Proceedings
when drain is
to run across
road bed of
railroad.

lands. It shall be the duty of such county treasurer at any time upon presentation to him of any such drain order drawn for the payment of such right of way or damages to pay the same out of any moneys in his hands belonging to the general fund of such county and refund such amount out of the first moneys collected by him on account of such drain.

SEC. 14. If the owner of any lands upon which such damages have been awarded in excess of apportionment for benefits shall, upon the tender of such order to him, refuse to accept the same, the county drain commissioner shall make such tender in lawful money, and for that purpose he shall be authorized to endorse such order and present the same to the county treasurer for payment, and it shall be the duty of such treasurer to pay such order as hereinbefore provided. If, however, there shall be no money in the general fund of such county treasury, the county drain commissioner shall be authorized to have such order discounted, wherever he may be enabled to do so: *Provided*, Such discount shall not be more than at the rate of eight per cent per annum, and he shall charge the amount of such discount to the expense and cost of such drain, and draw his order therefor. The county drain commissioner shall thereupon make to such owner a tender in lawful money of the amount awarded to him in excess of the apportionment of benefits, and if he shall refuse to accept such money, the county drain commissioner shall deposit the same with the county treasurer, taking duplicate receipts therefor, one of which he may retain, and the other he shall file with the county clerk. Such money shall be held by such treasurer and be delivered by him to such owner when called for or otherwise legally demanded.

SEC. 15. Drains may be laid along the line of any railroad within its right of way: *Provided*, Such drain shall not be to the injury of the road bed. Whenever it is proposed to construct a drain along the line, and within the right of way of any railroad, and the company owning or operating such road shall refuse or neglect to permit such drain to be constructed, or release the right of way therefor within the time prescribed in section four of chapter three, such release shall be obtained in the same manner as is provided in this act for obtaining private lands: *Provided*, That no drain shall be constructed along the line of any railroad without the consent of the company owning or operating such road, if it shall appear to the special commissioners or jury that such drain can equally well be laid on private lands.

SEC. 16. Whenever it is necessary to run a drain across the right of way or road bed of any railroad, the same proceedings shall be had throughout in all respects as in cases provided in this act for obtaining private lands for the construction of drains, except as hereinafter provided. It shall be the duty of the railroad company, when notified by the county drain commissioner so to do, to make and maintain the necessary open-

ing through said road bed, and to build and maintain a suitable culvert. Notice in writing to make such opening, and to construct such culvert, shall be served upon such company by leaving a copy thereof with the ticket or freight agent, or general officer of such railroad company, at least thirty days before such railroad company shall become liable.

Notice to be
in writing.

SEC. 17. In case such railroad company shall refuse or neglect to comply with the provisions of the preceding section, it shall be liable to a penalty of ten dollars for each day's refusal or neglect to make such opening and construct such culvert. The prosecuting attorney of the county in which such railroad company shall have refused or neglected to comply with the provisions of the preceding section shall, upon complaint being made by the county drain commissioner, bring suit to collect such penalty or fines, and it shall be his duty to prosecute the same to a final determination in any court having competent jurisdiction.

Penalty for re-
fusing to make
opening.

Prosecuting
attorney to
collect.

SEC. 18. Drains may be laid along and within the limits of or across any public highway: *Provided*, That when it is proposed to construct a drain in whole or in part along a public highway, the owners of the land abutting on the side of the highway along which such drain is proposed to be laid, shall be considered as still owning the fee of such land, and it shall be necessary for the county drain commissioner to obtain from them severally a release of their rights to so much of said highway as is necessary and proposed to be taken for the right of way of said drain, and for all damages on account thereof. In case such release is not executed within the time prescribed in section four of chapter three, such release shall be obtained in the same manner as is provided in this act for obtaining private lands.

Proceedings
when drains
to be laid in
highway.

SEC. 19. When any drain crosses a highway, the cost of constructing the necessary bridge or culvert shall be charged in the first instance as part of the cost of construction of such drain, after which such bridge or culvert shall be maintained as part of the highway. When a drain passes along a highway, there shall be constructed at least one bridge or passageway across such drain connecting the highway with each enclosed field and with each farm entrance, which bridge or passageway shall also be charged in the first instance as a part of the construction of such drain, after which such bridge or passageway shall be maintained by the owner of the land.

The cost of cer-
tain bridges
to be charged
to whom.

SEC. 20. The county drain commissioner may order the construction of blind drains by the use of drain tiles or sewer pipe, when the nature of the ground will admit thereof. When any such blind drain is to be constructed across any land, so that the surface of the land can be restored, the special commissioners in making their award of damages shall take that fact into account. Any person through whose land an open drain has been constructed, may make a written request to the county drain commissioner to be permitted to tile and cover

Blind drains.

When open
drains may be
tiled and
covered.

with earth the whole, or any part thereof, that may traverse his land, and the county drain commissioner may grant such request, but in doing so he shall prescribe the size of the tile to be used. When blind drains are constructed the entrance thereto shall be substantially protected from drift wood and debris.

Drains may be laid into any lake, etc., if it does not impair the navigation thereof.

SEC. 21. Drains may be laid or extended into or along or from any lake or other body of water surrounded wholly or in part by a swamp, marsh or other low lands for the general purpose of drainage contemplated by this act but not so as to impair the navigation of any navigable water.

CHAPTER IV.

CONSTRUCTION OF DRAINS.

Order establishing and naming drain.

SECTION 1. Upon the release of right of way and damages or upon the determination and return of the special commissioners, or order of the probate court, as the case may be, the county drain commissioner shall make his final order of determination establishing the drain. A certified copy of which order of determination shall be filed with the county clerk within five days after such order is made. He shall include in such order a description of the several tracts or parcels of land to be assessed for benefits in the construction of such drain, which said tracts or parcels shall constitute the special assessment district for that purpose, to be known and designated in such order by the same name of the drain. He shall thereupon, without delay, proceed to divide the route thereof into convenient sections for the letting of the work, and shall mark the grade on each grade stake, from stake to stake, along the whole length of such drain. He shall also mark on each section stake the number of each section of division, from the lower end of said drain, and the length in feet or rods which each section contains, and shall make a diagram corresponding with the divisions so made, and shall file the same with the other papers in his office pertaining to such drain. He shall give not less than ten days' notice of the time and place of letting, by serving personal notice upon every person whose lands are affected by such assessment and who reside in the township or townships traversed by said drain, which notice shall be served in the same manner as provided in section six of chapter three for the personal service of citations, and by posting said notice in five public places in each township traversed by said drain, and by causing a notice thereof to be published not less than two insertions in one or more weekly newspapers published and of general circulation in the county. Such notice shall contain a description of the several tracts or parcels of lands constituting the special assessment district of

To divide into sections.

Grade stakes, how marked.

Diagram to be filed.

Notice of time and place of letting to be posted and published.

Description of special assessment district.

such drain, as above provided, and it shall also state that at the time and place of such letting, or at such other time and place thereafter to which the county drain commissioner may adjourn the same, the assessments for benefits and the lands comprised within the special assessment district will be subject to review for one day; such review shall be held open from nine o'clock in the forenoon until five o'clock in the afternoon. **Review of assessment.** On such reviews the supervisor or commissioner of highways of any township may appear on behalf of such township. **Who may appear for township.** At such review the county drain commissioner shall hear the proofs and allegations of all parties in interest, and shall carefully reconsider and review the descriptions of land comprised within the special assessment district, the several descriptions assessed and his assessments of benefits, and define and equalize the same as may seem just and equitable: *Provided*, That at such review no lands not included in the notice of publication, as herein above provided, shall be added to such special assessment district. **Proviso as to what land shall not be added.**

SEC. 2. At the time and place of letting, and before receiving any bids, the county drain commissioner shall have the right, and it shall be his duty to determine whether the whole of the per cent of the taxes to be spread for benefits to lands in the construction of such drain, shall be assessed and collected in that same year, or whether the same shall be divided into two or more equal installments, one installment to be collected in that same year, and the other installment or installments within five years next following. Such determination, however, shall be made then and there, and shall be publicly announced for the information of bidders: *Provided*, That the per cent of tax determined by the county drain commissioner to be assessed against townships shall all be spread in the first year. **To determine whether the tax shall be raised in one to five years.** **Proviso as to when taxes shall be spread.**

SEC. 3. The county drain commissioner shall thereupon proceed to receive bids and let jobs for the construction of the sections, and make contracts with the lowest responsible bidder giving adequate security for the performance of the work. Such security shall cover the completion of the job in the manner and within the time fixed in the contract, and shall be in a sum to be fixed and determined by the county drain commissioner. He shall first let the section at the outlet of the drain, and shall let each remaining section in its order up stream. **Receiving bids and letting jobs.** The county drain commissioner shall reserve the right to reject any and all bids, and may adjourn such letting in whole or in part, from time to time to such other time or place to be by him at the time of such adjournment publicly announced, as shall to him seem proper, but not in all more than forty days from and after the time of letting first advertised. The parties who are assessed a tax for benefits in the construction of such drain, and who may be bidders for the contracts thereon, shall, if equal bidders with other parties, be preferred in awarding such contracts. And it shall be the duty of said drain com- **Security.** **Order of letting sections.** **Adjournment of letting.** **Preferred bidders.**

missioner, after having been requested in writing by two or more persons whose lands are liable to be assessed for benefits on such drain to notify the county surveyor, or other competent surveyor, of the completion of said drain, and the surveyor shall proceed with the drain commissioner to examine the same. If the county drain commissioner and surveyor in case the survey was requested as above are satisfied with the manner in which said work is done, the surveyor, or county drain commissioner, as the case may be, shall certify in writing that the drain is completed in accordance with the original grade and specifications, which certificate shall be filed with the county drain commissioner and become a part of the records of said drain; and it shall not be lawful for the county drain commissioner to issue orders on the fund of any drain exceeding two-thirds of the amount earned on any contract, until after acceptance of said work by the county drain commissioner, and the said certificate of the surveyor or drain commissioner is filed by the said county drain commissioner: *Provided*, That it shall not be necessary for said drain commissioner to notify the surveyor for his examination of said drain unless the entire cost of construction shall exceed one hundred dollars, nor in case of tile drain.

Acceptance of drain when completed.

Proviso as to notifying surveyor.

Time may be extended.

Forfeited contracts.

Reletting of.

Added costs, etc., to be collected.

Proviso as to giving notice to contractor before declaring contract forfeited.

SEC. 4. The commissioner shall have power to grant a reasonable extension of time for the completion of any contract. When any contract shall not be finished within the time specified, or to which it may be extended, the county drain commissioner shall declare such contract forfeited, and shall, within a reasonable time thereafter, relet the unfinished portion thereof to the lowest responsible bidder, by public letting, after not less than five days' notice thereof, by posting only, as provided for the letting in the first instance, or by private letting when such can be done at a price per rod for the uncompleted portion thereof not exceeding the price per rod at which the job was first let; and he shall make contract and take security in each case as hereinbefore provided. The cost of completing such part over and above the contract price, if any, and the expense of notice and reletting shall be collected by the county drain commissioner of the parties first contracting or of their bondsman, which moneys, when so collected, shall be deposited with the county treasurer, and placed to the credit of such drain: *Provided*, That in no case shall the county drain commissioner declare any such contract forfeited without first giving five days' notice thereof to the contractor, if he can be found, and if not found then by a written notice left at his last place of residence, with some person of suitable age and discretion, who shall be informed of its contents, if such contractor have a known residence within the county.

CHAPTER V.

ASSESSMENT AND REVIEW.

SECTION 1. The county drain commissioner shall apportion the per cent of the cost of construction of such drain which any township traversed thereby shall be liable to pay by reason of the benefit to the public health, convenience or welfare, or as the means of improving any highway, and he shall also apportion the per cent of benefits to accrue to any piece or parcel of land by reason of the construction of such drain, over and above the per cent assessed against such township as aforesaid, which per cent of benefits shall be apportioned upon and assessed against the lands benefited according to such assessment of benefits and which apportionments he shall announce at the time and place of letting, as provided in chapter four. Such assessment of per cent for benefits shall thereupon be subject to review and correction, and may be appealed from in the manner hereinafter provided.

Apportionment of cost of construction of drain.

Apportionment of benefits.

Apportionment to be announced at the time and place of letting.

Review.

Appeal.

SEC. 2. The owner of any lands assessed a per cent for benefit for the construction of any drain, who may conceive himself aggrieved by the assessment made by the county drain commissioner, may within ten days after the day of review, as provided for in the preceding section, take an appeal to the township board of the township in which his lands so assessed are situated, by filing with the township clerk a notice to that effect, addressed to the township board, and by filing also a bond with such clerk in the sum of two hundred dollars with one or more sureties to be approved by such clerk, conditioned upon the payment of all costs in case the assessment made by the county drain commissioner shall be sustained. In such appeal the appellant shall also state whether the State is an interested party.

Appeal.

Notice of Bond for to be approved.

Appeal to state what.

SEC. 3. The township clerk shall thereupon call a meeting of the township board to consider such appeal. The time for such meeting shall be fixed not less than six nor more than twelve days from the date of filing such appeal. A notice of the time and place for hearing such appeal shall be posted in at least five public places in said township, and shall be served upon the members of the township board, the county drain commissioner, the appellant if he be a resident of the township, and upon the prosecuting attorney of the county in all cases when the State is an interested party. Such service shall be made not less than six days before the day of hearing and may be made either by personal service or by causing a copy thereof to be left at their several places of residence. Proof of service of notice of hearing of appeal shall be made by the person serving said notices and filed in the office of the township clerk. At such hearing the board shall have the

Meeting of township board to consider appeal. Time of meeting. Notice of time and place to be posted and served upon whom.

Time of service.

Proof of.

Review of assessments. One notice sufficient. Proviso as to review upon certiorari. Notice of to be served when and on whom.

Writ to be issued and bond given.

May be heard at chambers. Notice five days.

Hearing. Setting aside proceedings. Costs, who liable for.

When drain deemed to be legally established.

Proviso as to allowing certiorari questioning legality of drain.

Proviso as to postponing letting of contracts.

In case of error who to correct.

Who prohibited from acting upon appeal.

When member of board disqualified how place filled.

Duty of the township board in case of appeal.

right to review all assessments. Only one notice of appeal for each drain shall be entertained by the township clerk: *Provided*, That the proceedings in establishing any drain shall be subject to review upon certiorari, as herein provided. Notice of such certiorari shall be served on the county drain commissioner within ten days after the copy of the final order of determination of such commissioner in establishing any drain has been filed with the county clerk as provided in section one of chapter four, in the same manner as notice is required to be given of certiorari for reviewing judgments rendered by justices of the peace, and the writ shall be issued and served, and bond given and approved and the subject matter brought to issue in the same time and manner, as near as may be, as in such cases provided, except that such certiorari may be heard by the court during term, or at chambers, upon five days' notice given to the opposite party; and the circuit court of the county shall hear and determine the same without unnecessary delay, and if any material defect be found in the proceedings for establishing the drain such proceedings shall be set aside. If the proceedings be sustained, the party bringing the certiorari shall be liable for the costs thereof, and if they be not sustained, the parties making application for the drain shall be liable for the costs. If no certiorari be brought within the time herein prescribed, the drain shall be deemed to have been legally established, and its legality shall not thereafter be questioned in any suit at law or equity: *Provided*, No court shall allow any certiorari questioning the legality of any drain by any person unless notice has been given to the county drain commissioner in accordance with the provisions of this chapter: *Provided further*, That when such proceedings are brought, the county drain commissioner shall postpone the letting of contracts and all other proceedings until after the determination of the court. And if any error be found in the proceedings the court shall direct the county drain commissioner to correct such error or errors and then proceed the same as though no error had been made.

SEC. 4. No county drain commissioner from whose assessment an appeal has been taken, and who may be a member of the township board, and no member of the township board whose lands may have been assessed for benefits in the construction of such drain, shall act upon such appeal. In case any member of such board shall be so disqualified, his place shall be filled in the same manner, and by the same person, as is provided by law for other cases of disqualified members of township boards.

SEC. 5. The township board shall proceed, at the time and place specified in the notice, to view the grounds and review the assessments made by the county drain commissioner, and to hear the proofs and allegations of all parties in respect to the matter of such appeals, and if, in their judgment, there be manifest error, or inequality in such assessments, they may

order such changes to be made as they may deem just and equitable. The action and decision [of said board shall be final, and such action and decision] shall be reduced to writing and signed by the board making the same, and shall be delivered to the county drain commissioner, together with all other papers relating thereto.

Action to be final.

SEC. 6. In case the assessment of the county drain commissioner shall be sustained by such township board, the appellant shall pay the whole costs and expenses of such appeal. Such costs and expenses shall be ascertained and determined by the township clerk, and if not paid, the appellant shall be liable on his bond for the full amount of such costs in an action at law, to be brought by the county drain commissioner, on the bond, before any court having competent jurisdiction.

Who to pay costs.

Township clerk to determine the amount. May be recovered in any court.

SEC. 7. All assessments of benefits under the provisions of this act shall be upon the principle of benefits derived. All descriptions of land under the provisions of this act shall be made by giving the legal subdivisions thereof, whenever practicable, and when the tract of land which is to be benefited or affected by such drain is less than such legal subdivision it may be described by designation of the lot or other boundaries, or in some way by which it may be known.

Assessment of benefits.

Descriptions of.

SEC. 8. Part paid school and State lands shall be assessed their per cent apportioned for benefits, and the collection thereof shall be enforced as State and county taxes against such lands are collected and enforced. State lands shall be included in all assessments for benefits the same as other lands, but the sum of all such drain taxes that may be assessed against any tract of State lands, including all drain taxes heretofore paid upon the same, shall not aggregate a sum greater than fifty per cent of the price at which said lands are held by the State, exclusive of any such taxes that may have been previously paid. Any amount apportioned and assessed upon State lands shall be reported by the supervisor to the Commissioner of the State Land Office within ten days after the delivery of his assessment roll to the township treasurer. Said Commissioner of the State Land Office shall enter on the books of his office, against each description of such State lands, the amount of drain taxes assessed thereon, and shall certify the same to the Auditor General, who shall draw his warrant on the State Treasurer therefor, to be paid out of any funds in his hands not otherwise appropriated. Such amount shall be forwarded by the Commissioner of the State Land Office to the supervisor, on or before the fifteenth day of January next, and shall by him be applied in payment of such taxes. No patent shall issue for such lands until all such drain taxes are paid with interest at seven per cent.

Part paid school and state lands, assessment of.

State lands to be assessed, but not to exceed fifty per cent of value.

Supervisor to report assessment to Commissioner of the State Land Office. Duty of Commissioner and Auditor General in regard to.

Payment of taxes.

Patent not to issue until tax, etc., is paid.

SEC. 9. Whenever the amount assessed for the construction of any drain shall not be sufficient to complete the same, and to pay all the costs and incidental expenses, a further

Further assessment.

No review or appeal from.	assessment shall be made to meet the deficit [or] of additional expense. Such further assessment shall be apportioned, assessed, levied and collected as provided in the first instance, and on the same percentage, and shall be collected in one year, but there shall be no review of, nor appeal from such further assessment.
Township aggrieved may appeal.	<p>SEC. 10. Any township assessed a per cent for benefit for the construction of any drain which may conceive itself aggrieved by the assessment made by the county drain commissioner, may within fifteen days after the day of review, as provided in section one of this chapter, appeal therefrom as hereinafter provided. The township board of any township desiring to take such appeal shall pass a resolution to that effect, authorizing the supervisor, or in his absence or inability to act, some other member of said board, to make application to the probate court of the proper county for the appointment of a board of review. The probate court, upon receipt of such application in writing and containing a copy of the resolution passed by the township board, and signed by the officer authorized to make such application, shall thereupon appoint three competent, disinterested freeholders residing in the county outside of said township or townships traversed by the drain, as a board of review. The persons so appointed as aforesaid shall be vested with the same powers and shall perform the same duties in regard to the assessment against said township in the same time and manner in all respects as by this act provided for township boards in reviewing individual assessments. Upon such appointment being made, the probate court shall by order fix the time and place where said board of review shall meet to review said assessment, which time shall not be less than five days nor more than fifteen days from the date of such appointment. Said township shall thereupon notify such persons in writing of their appointment and the purpose thereof, and the time and place for them to meet as fixed by the probate court, and shall also give like notice to the drain commissioner at least three days before said meeting, and proof of service of said notice on said drain commissioner shall be required by said board of review in all cases where the said drain commissioner fails to appear at said meeting of said board of review. Should any one or all of the persons so appointed as a board of review neglect or refuse to act, or should they be unable to agree in regard to said assessment, the probate court shall, upon the showing being made, either that any or all the persons as aforesaid appointed have neglected or refused to act, or they have been unable to agree on said assessment, as the case may be, at once appoint another board of review, as hereinafter provided, and the time for such second board to act and perform its duties shall be extended not to exceed fifteen days from the date of its appointment. The persons so appointed as a board of review shall receive the sum of two dollars per day for each</p>
Township board to authorize supervisor to act, in case of appeal.	
Probate court shall appoint a board of review.	
Persons appointed shall be vested with same powers as township boards in reviewing individual assessments. Time and place of meeting of board fixed by probate court.	
Notice of appointment.	
In case of failure of persons appointed to act, probate court to appoint new board of review.	
Compensation of members of board.	

day actually and necessarily spent in the discharge of their duties as members of said board of review. In case the assessment made by the county drain commissioner is sustained, the township or townships appealing shall be severally liable for all costs incurred by such appeal, and the same proceedings shall be had throughout in all respects in said appeal to said probate court, as to the benefits and liabilities in case of an appeal to the township board from an individual assessment: *When township appealing liable for costs incurred.* *Provided*, That in case two or more townships appeal from the same assessment only one board of review shall be appointed to review the assessment against the several townships: *Proviso as to appeal from assessment.* *And provided further*, That the board of review herein provided for may adjourn any hearing before them from time to time as justice may require, not exceeding in all ten days from the date of their first meeting. *Further proviso as to adjourned hearing.*

CHAPTER VI.

LEVY AND COLLECTION OF DRAIN TAXES.

SECTION 1. Within ten days after the letting of contracts, and in case of an appeal, then forthwith after such appeal shall have been decided, the county drain commissioner shall make a computation of the entire cost of such drain, which shall include all the expense of locating, establishing and constructing the same, including the commissioners' fees, cost of survey, fees and expenses of special commissioners, or jury, and amount of contracts for construction, also the cost of appeal in case the assessment of benefits made by the county drain commissioner shall not be sustained, and all other expenses, and he shall add the whole into a gross sum, and add thereto ten per centum of said gross sum to cover contingent expenses, and the entire sum so ascertained shall be deemed to be the cost of construction of such drain. In case the drain and the assessment therefor shall affect more than one township or one or more townships and an incorporated city, the county drain commissioner shall apportion such sum between the several townships, or townships and city so affected upon the basis and per cent determined upon by him as provided in section one of chapter five. *When to make computation of costs of drain.* *What to include.* *In case drain affect more than one township or city. Apportionment of.*

SEC. 2. The county drain commissioner shall thereupon make a special assessment roll for such drain for each township, or each township and city affected thereby, which roll shall be designated "(giving the name) ——— Drain Special Assessment Roll," and he shall enter therein a correct description of the tracts, parcels or subdivisions of land benefited by such drain, as provided in sections one and seven of chapter five, and place opposite each description the amount of the per cent heretofore determined upon by him, or by the township *Commissioner to make out special assessment roll.*

To enter amount apportioned to each township.	board or city council, or board of review as the case may be. He shall also enter thereon the amount of the per cent apportioned to such township or townships, and any city, and shall add a certificate in writing of his determination, made at the time and place of letting, whether the taxes assessed for benefits shall be paid in one or more years. Such rolls shall be dated and signed by said drain commissioner and filed on or before the last Wednesday in September in each year, in the office of the clerk of the township or townships or of any city in which such lands may be located.
Rolls to be dated, signed and filed with township clerk.	<p>SEC. 3. The township clerk shall, on or before the first day of October of each year, make and deliver to the supervisor of his township a certified statement of the several amounts of drain taxes to be assessed upon such township at large, for the ensuing year, and shall specify therein the several amounts to be raised for each particular drain, and also a certified statement of all the descriptions of land assessed for benefits for each drain, and the amount to be assessed upon each description for such years as determined by the county drain commissioner in his special assessment rolls. In case any portion of said drain is within the limits of any city the clerk or recorder thereof shall make and deliver to the several supervisors of such city a certified statement of the several amounts of drain taxes to be assessed upon such city at large for the ensuing year, and shall make and deliver to the supervisor of each ward or taxing district a similar statement of all the descriptions of land in said ward or wards or taxing district, assessed for benefits for each drain lying therein and the amount or amounts so assessed by the county drain commissioner in his special assessment rolls. The several supervisors shall lay such statements before the board of supervisors at their next annual meeting, in the same manner, at the same time, and for like action as is now or as may hereafter be provided in the case of similar statements for township, city or other local taxes.</p> <p>SEC. 4. It shall be the duty of the supervisor to spread on his roll the total amount of all the drain taxes determined upon by the county drain commissioner to be assessed upon the township or city at large by adding to the township or city tax for the year in which the same was assessed and extending said tax in the same column with the general township or city tax. He shall also spread upon said roll, separately, and immediately following the other descriptions, all tracts or parcels of land specified by the county drain commissioner to be assessed for benefits, and shall place opposite each description, in a column marked (giving the name) ———— "drain taxes," the amount of taxes apportioned thereon, as certified to him by the township or city clerk: <i>Provided</i>, That no drain taxes shall be so spread unless directed by the board of supervisors, as in case of other township or city taxes.</p>
Township clerk to make certified statement.	
When clerk or recorder of city to make certified statement.	
Statements to be laid before board of supervisors at annual meeting.	
Lands to be assessed for benefits.	
Drain tax.	
Proviso as to spreading taxes.	

SEC. 5. The supervisor shall, at the time of the delivery of his assessment roll to the township treasurer, also furnish him with an itemized statement of the several amounts assessed upon the township at large for each particular drain, naming the drain. He shall also, at the same time, indorse upon every drain special assessment roll on file in the township clerk's office the amount of tax for benefits thereof spread by him on the tax roll of his township for that year, on each description.

Itemized statement of the amount assessed, supervisor to furnish, etc.

Tax for benefits to be enrolled on drain special assessment roll.

SEC. 6. All drain taxes assessed under the provisions of this act shall be subject to the same interest and charges, and shall be collected in the same manner as State and other general taxes are collected, and collecting officers are hereby vested with the same power and authority in the collection of such taxes as are or may be conferred by law for collecting general taxes. In all cases where suit is brought against the collector arising out of the collection of any drain tax, the county shall defend such officer in the same manner that he has now the right to be defended in the collection of general taxes. No suit shall be instituted to recover any drain tax or money paid or property sold therefor, or for damages on account thereof, unless brought within thirty days from the time of payment of such money to, or sale of such property by, the collecting officer; and if such tax shall be paid under protest the reasons therefor shall be specified, and the same procedure observed as is or may be required by the general tax law. All taxes levied under the provisions of this act, or of act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, with all lawful costs, interest and charges, shall be and remain a perpetual lien upon the lands upon which they are assessed, and a personal claim against the owner or owners of such lands until they are paid.

Drain taxes, how collected.

Collector defendant in suit.

Suit, when brought.

Protest, reasons of.

Taxes as lien upon land.

SEC. 7. If the taxes levied for the construction, cleaning out, widening, deepening or extending of any drain are not collected by the township treasurer, they shall by him be returned, together with the lands upon which they were levied, to the county treasurer in the same return, at the same time, and in the same manner, in every respect (naming in each case the particular drain), as lands are returned for State, county and township taxes, and such taxes shall follow such lands, the same as all such other taxes, and all the general provisions of law now existing, or that may be hereafter enacted for enforcing the payment of township, county and State taxes, shall apply to such drain taxes, and to the lands returned delinquent therefor, in the same manner and with like effect.

Returned drain taxes.

Naming the particular drain.

General provisions of law, etc., to apply.

SEC. 8. All orders for the payment for services rendered and work performed shall be drawn by the county drain commissioner upon the drain fund of each particular drain. All orders for the payment for lands for right of way shall be paid on presentation out of the county treasury and for all

Orders for payment of work done to be drawn by commissioner.

Certain orders to be paid out of first year's tax.	<p>other services rendered and expenses incurred, except contracts for construction, shall be paid out of the first year's taxes, and the balance of such first year's taxes, if any, shall be applied pro rata among the several contractors in the payment of the contracts for the construction of such drain. For the balance due upon such contracts the county drain commissioner shall draw orders payable out of the one or other succeeding year's assessment: <i>Provided</i>, That no commissioner shall draw orders payable in any one year for a larger amount than said year's assessment. All drain orders shall be drawn payable on the fifteenth day of March of the year in which the drain taxes for the payment thereof are required to be paid. All orders not paid when due, by reason of delinquency in the payment of such drain taxes, shall draw lawful interest from the date of maturity, said interest to be computed by the county treasurer and to be paid with the principal out of the proper fund on which it was drawn, and out of no other fund, and such treasurer shall report to the county drain commissioner the amount paid as interest on such orders.</p>
Proviso as to amount of orders drawn. Date when orders payable.	
Interest.	
Taxes to be returned to county treasurer. Drain orders to be received for taxes.	<p>SEC. 9. Drain taxes, when collected, shall be returned to the county treasurer to be disbursed by him. The drain orders issued for each particular drain shall be received for drain taxes for benefits levied for the construction of such drain, by the township treasurer or county treasurer, as the case may be.</p>
No injunction to issue.	<p>SEC. 10. After any taxes have been assessed for the construction, location or establishment of any drain, no injunction shall issue to restrain the spreading of the same upon the tax roll nor to restrain the collection thereof, nor shall the same be in any manner stayed, unless the amount of such assessment shall first be paid into the township treasury to be applied upon such tax, in case the court in which the suit upon which such injunction is tried shall so order.</p>
Collection of tax not to be enjoined or declared void.	<p>SEC. 11. The collection of no tax levied or ordered to be levied for the payment of the location or construction of any drain laid out under this act shall be perpetually enjoined or declared absolutely void in consequence of any error or informality of any officer in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings by which any [such] drain shall have been located and established, nor on account of any irregularity or informality in the condemnation of right of way nor for want of any record thereof; but the court in which any action may be brought to recover any tax or assessment paid or to declare void the proceedings to locate and establish any drain, or to enjoin any tax or assessment levied or ordered to be levied for the payment of the labor and expense thereof, shall, if there be manifest error in the proceedings, allow the plaintiff in action to show that he has been injured thereby.</p>
Plaintiff may show that he has been injured.	

The court may, on application of either party, appoint a competent person or persons to examine the premises, or to survey the same, or both, as may be deemed necessary.

Court may appoint persons to examine premises, etc.

SEC. 12. The court in which such proceedings are begun shall allow proof that the drain was necessary and conducive to the public health, convenience or welfare, and that all the steps required by law have been substantially complied with, notwithstanding the record required to be kept by the county drain commissioner. In case no substantial error is found, the court may correct any gross injustice in the award of damages, or assessment of benefits, as may appear after hearing the proofs and allegations of both sides and shall make such order in the premises as shall be just and equitable, and may order that such tax or assessment remain on the tax roll for collection, or order the same to be relieved, or may perpetually enjoin the same, or any part thereof, or if the same has been paid under protest, may order the whole, or such part thereof as is just and equitable to be refunded. The costs of such proceedings, if error or injustice be shown, shall be apportioned among the parties, or if no manifest error or injustice be shown, such costs shall be collected of the party bringing the action.

Shall allow proof of the necessity of the drain.

May correct gross injustice.

May make such order as shall be just.

Costs of proceedings.

SEC. 13. Whenever any drain has been located, established and the work of construction completed, or partially completed, and any court has declared such proceeding illegal or void for any cause other than that such drain is unnecessary, and not conducive to the public health, convenience or welfare,

In case court declares proceedings illegal.

the commissioner shall, without unnecessary delay, proceed to relay and complete such drain under the provisions of this act, and reassess upon the lands benefited by such drain the original cost thereof, together with the expenses of relaying and completing, and shall continue so to do until such drain has been legally established and constructed: *Provided*, That on such relaying or completion of such drain proceedings it shall not be necessary to readvertise a day of letting; but he shall advertise a day of review for benefits; which review may be held at the office of the county drain commissioner: *Provided further*, That any person who has paid the tax for benefits assessed against him for such drain shall be allowed the amount so paid, and the township treasurer, or other officer authorized to receive payment for taxes assessed in any township, or city, shall accept the receipt heretofore issued for the payment of such drain taxes as cash, the same to apply on such renewed assessment. The receipt so received by the township treasurer or other officer shall be credited to him and allowed as money. The provisions of this section shall also apply to drains laid out and wholly or partly constructed under the provisions of all drain laws in force prior to the passage of this act.

Commissioner to relay and complete drain, and reassess tax upon lands benefited.

Proviso as to readvertising.

Further proviso as to tax once paid.

Receipt to apply on reassessment.

The provisions hereof apply to drains heretofore completed.

Drain commis-
sioner may sue
for drain
taxes.

Taxes may be
charged back
and reass-
sessed.

May declare
in an action
of debt.

Proof.

General issue.

Evidence in
rebuttal.

Judgment for
benefits only.

Proviso.

Commission-
er may insti-
tute new pro-
ceedings when
tax set aside.

When to
report.

County drain
commissioner
to be made
party to suit
to set aside
drain tax.
Prosecuting
attorney to
defend.
Compensa-
tion.

Drain commis-
sioner may
employ
counsel.

SEC. 14. Any drain taxes that may have been assessed and returned upon any lands under and by virtue of the provisions of any drain law heretofore enacted and remaining unpaid, may be sued for by the drain commissioner of the county in which such delinquent lands are situated in an action of assumpsit before any court of competent jurisdiction and collected from the owner of such lands or such taxes, if properly returned to the county treasurer, may be ordered charged back by the board of supervisors, and reassessed upon such lands in the same manner that unpaid or rejected taxes may be charged back by the Auditor General and reassessed under the general provisions of law.

SEC. 15. In any suit brought for the collection of any unpaid drain taxes by virtue of the last preceding section, the county drain commissioner bringing such suit may declare in an action of assumpsit against the defendant, proof of the amount of the tax, and that it is unpaid, either oral, or by the production of the tax roll, shall be *prima facie* evidence of the plaintiff's right to recover; but the defendant may plead the general issue, and give evidence in reduction of damages, and the plaintiff may offer evidence in rebuttal, and if it shall appear from such evidence that the actual benefits to the land by reason of the construction of the drain were less than the amount of the tax, judgment shall be only for the amount of the benefits as proven, with interest and costs: *Provided*, That no such proceedings shall be instituted by the county drain commissioner at the expense of the county, unless he shall be authorized to do so by the board of supervisors.

SEC. 16. In case any drain tax heretofore, or to be hereafter assessed, shall be set aside except for causes that would deprive the county drain commissioner of jurisdiction to construct the drain, the commissioner may begin proceedings anew at the stage where they shall be correct. In case a drain tax can or may be set aside for error in description or other defects in the county drain commissioner's or township treasurer's roll, the county drain commissioner shall report the same to the board of supervisors, at their October session, who shall order the same reassessed upon the proper description. Such report may be made at any time before the sale of the land for such tax.

SEC. 17. In any suit brought to set aside any drain tax, or in any way attacking the legality of any drain proceedings, the county drain commissioner shall be made a party to said suit, and it shall be the duty of the prosecuting attorney of the county where said drain is situated to defend said drain proceedings, and the prosecuting attorney shall receive such compensation therefor as the board of supervisors shall deem just. If the drain commissioner shall deem it necessary he may employ additional legal counsel, and said counsel's account for services rendered shall be certified to by the county drain com-

missioner and audited and allowed by the board of supervisors and paid out of the general fund of the county. Said general fund shall be reimbursed in the same manner as provided for in section thirteen of chapter three of this act.

Payment of
counsel.
General fund
to be reim-
bursed.

CHAPTER VII.

DRAINS TRAVERSING MORE THAN ONE COUNTY.

SECTION 1. Whenever it may be desired to construct a drain traversing more than one county, or affecting lands lying in more than one county, an application therefor shall be made to the county drain commissioner of either county traversed by the proposed drain. Such application shall be subject to the same conditions and the applicants to the same obligations and liabilities as in other drains under this act.

Application
shall be made
to the com-
missioner of
either county.

Subject to the
same condi-
tions, etc., as
other drains.

SEC. 2. If upon examination the county drain commissioner shall deem the same to be necessary and for the good of the public health, convenience or welfare, he shall, as soon as practicable thereafter, fix a time and place of meeting and notify the county drain commissioner or commissioners of such other county or counties to that effect, and furnish him or each of them with a certified copy of such application. Such county drain commissioner or commissioners shall, at the time and place fixed as above, meet with the county drain commissioner having the original application, and they shall thereupon and thereafter jointly take all steps, and perform all acts, and sign all papers, as county drain commissioners are required to do singly in the case of other drains, including the application to the probate court.

To notify the
other commis-
sioners of
place of meet-
ing.

To act jointly.

SEC. 3. In case all the persons whose lands are traversed by such drain, as proposed in this chapter, shall not within twenty days after the issue of the first order of determination, as provided in section four of chapter three, have voluntarily released the right of way therefor and all damages on account thereof, the county drain commissioners shall apply to the judge of probate of each county in which any such unreleased lands may be situated for the appointment of three special commissioners. When such application shall be made and when all papers shall have been found to be in conformity with the provisions of this act the court to whom such application has been made shall appoint such special commissioners and shall deliver to each drain commissioner a certified copy of the order of the appointment of such special commissioners. Such special commissioners shall be resident freeholders of the county and not residents of the township or townships to be traversed by the proposed drain in which they are appointed. All proceedings had in the appointment of special commissioners, under the provisions of this chapter, shall be

Application
and appoint-
ment of three
special com-
missioners.

Certified copy
of order of ap-
pointment.

Must be resi-
dent free-
holders.

Proceedings
had in the ap-
pointment of.

similar to those provided in chapter three for the appointment of other special commissioners.

Duty of special commissioners.

Apportionment of costs.

Proviso in case of disagreement.

SEC. 4. When such special drain commissioners shall have been notified of their appointment in the manner as provided in chapter three, they shall, at the time and place fixed by the probate court, meet with the county drain commissioners of the respective counties in which such proposed drain is applied for, and view the whole line of such drain, or such portion thereof as shall be deemed sufficient, and shall, under the same oath and condition, perform their services in the same manner and with like effect as hereinbefore provided in this act for other special commissioners. Before any contract for the construction of any part of such drain shall be let the county drain commissioners shall agree and determine upon the just per cent of the whole cost of construction which each county shall bear, which determination shall be in writing and signed by them, and a copy thereof made for each county drain commissioner whose county is affected by said drain: *Provided*, If said county drain commissioners cannot agree and determine the just per cent of the cost of construction that each county should bear, then it shall be their duty to select a county drain commissioner from some adjoining county, not affected by such drain, who shall have the power to determine said per cent for them, and said county drain commissioner's decision of the just per cent shall be final, and they shall make copies of said determination as above provided. The costs and expenses of said other county drain [commissioner] commissioners shall be paid the same as those of the county drain commissioners of the counties affected by such drain.

Each commissioner to assess within his jurisdiction. Amount to be assessed to township.

Apportioned according to benefits.

Assessments to be furnished to township clerks.

How computed, spread and returned.

Right of appeal.

Taxes to be paid by township treasurer to county treasurer.

SEC. 5. Each commissioner shall thereupon assess within his own jurisdiction such amount as may have been determined upon, and shall assess against the townships such per cent thereof as may be justly charged against them severally by reason of benefits to the public health, convenience or welfare, or as a means of improving any highway, and the balance he shall apportion against the lands in proportion as they will be benefited thereby. Each county drain commissioner shall furnish such several assessments to the several clerks of the townships within his own county, in which the lands affected thereby may be situated, and such assessments shall be computed, divided, spread, collected and returned in the same manner, in every respect, as provided in the case of other drains constructed under this act. Such assessments shall be subject to the same right of appeal and under the same conditions as hereinbefore provided. The taxes for such drains, when collected by the township treasurer, shall be paid over to the county treasurer of their respective counties to be disbursed by him on the joint order of the commissioners.

SEC. 6. A full record of such drain shall be made and entered by the several drain commissioners in the drain record books of their respective counties, and a certified copy of all the papers relative to the construction of such drain shall be delivered to the other county drain commissioners by the drain commissioner having the original application which certified copies shall be filed in the office of the county clerk of their respective counties as original papers are required to be filed and with the same force and effect, and all the original papers shall be filed in the clerk's office in the county in which the application was originally made. The parts of each of such drains situated and lying in any one county shall thereafter be under the care and supervision of the county drain commissioner of such county, subject, however, to the provisions of section eight of this chapter.

Entry in drain record book.

Copy of papers to be filed with county drain commissioner.

Care of drains.

SEC. 7. Whenever any proposed drain lies wholly or partly in an adjoining state, or the lands to be drained thereby lie partly in an adjoining state, application for the construction of such drain may be made to any county drain commissioner representing any county in this State in which any portion of such proposed drain or lands to be affected thereby lie, and the same proceedings shall be had touching the portion of such drain or the lands to be drained or affected thereby, lying within this State, as are provided in this act in the case of drains and lands lying wholly within this State: *Provided*, That before any expense shall be incurred in relation to any such proposed drain, a voluntary release of the right of way to construct such portion of such drain as may lie without this State and an agreement to keep the same or permit the same to be kept clear from obstruction, shall first be obtained from the parties owning lands outside of this State through which such drain or portion thereof is to pass and such release and agreement shall be filed with the said drain commissioner, and shall form a part of the record of his proceedings in the premises.

Drain partly out of State, application to be made to whom.

Proceedings to be had.

Proviso as to voluntary release of right of way.

SEC. 8. Whenever a drain, heretofore established and which was constructed in and traverses more than one county, needs cleaning out, deepening, widening or extending, any five freeholders of either county by which such drain is traversed, one or more of whom shall be owners of land, which at the time of its construction was assessed therefor, may make application to the county drain commissioner of either county in which such drain is situated, setting forth the necessity thereof. If, upon examination, such drain commissioner shall deem the same to be necessary and for the good of the public health he shall, as soon as practicable thereafter, notify the county drain commissioner or commissioners of such other counties and furnish them with a certified copy of such application and they shall thereupon meet and jointly take such measures as are provided in this chapter relative to drains

Cleaning, etc., of drains, in two or more counties.

Joint action.

traversing more than one county, and act in like manner as provided in chapter eight of this act in the manner of established drains.

CHAPTER VIII.

ESTABLISHED DRAINS.

Freeholder to make application, object of.

Commissioner to examine drain.

Proviso as to assessments.

Further proviso as to proceedings.

Application.

Description.

Commissioner to obtain right of way.

SECTION 1. Whenever a drain, or any portion thereof, needs cleaning out, straightening, deepening, widening or extending, any five freeholders of the township or townships in which such drain is situated, one or more of whom shall be owners of land liable to an assessment for benefits in the cleaning out, deepening, widening, straightening or extending, as the case may be, may make application in writing to the county drain commissioner by whom it was constructed, or to his successor in office, setting forth its necessity, and the county drain commissioner shall, as soon as practicable thereafter, go upon the line thereof and carefully examine such drain, and if, in his judgment, the request of the applicants should be granted, he shall fix the per cent of the cost of cleaning out, that the owner or owners of the lands benefited thereby shall be assessed therefor: *Provided*, That such assessment shall be made according to benefits, and shall be subject to appeal the same as in the first instance, except that in all cases under this section where drains are only cleaned out, the cost thereof may, in the discretion of the drain commissioner, be assessed upon the same per cent fixed for the construction thereof: *And provided further*, That whenever any such drain shall need straightening, deepening, widening or extending, the same proceedings shall be had throughout in every respect as are provided in this act for the locating and construction of a drain in the first instance. Drains may be cleaned out, deepened, widened, extended or straightened and for any or all such improvements only one application and proceeding will be necessary. It shall not be necessary for the applicants in such proceedings to further describe the drain or drains involved, than by referring to the recorded name or names thereof but a reference to a drain, describing it by its commencement, terminus and general direction shall be sufficient without giving the name of the drain. In cases where a natural water course shall need cleaning out, straightening, deepening or widening, where no valid proceedings have been had to previously establish such water course, it shall be immaterial whether the first proceedings shall be to clean out, lay out, straighten, deepen or widen; but the county drain commissioner shall take such steps as may be necessary to obtain a right of way, as heretofore provided and go on with his proceedings in the manner provided by law.

SEC. 2. Such assessment, and the collection, return and enforcement thereof shall be made in the same manner, and under the same provisions in this act provided for drain taxes assessed, collected, returned and enforced in the first instance. In case the necessity for such cleaning out arises from the act or neglect of any land owner, said act or neglect shall be taken into consideration by the county drain commissioner in such assessment. The work of cleaning out such drain shall be advertised and let, and the contracts therefor awarded and accepted and paid for as provided for in the first instance: *Provided*, That if there is a surplus in any drain fund the county drain commissioner may, in his discretion, without application or advertisement, pay out of the same a reasonable compensation for cleaning out any obstructions that may accumulate in the particular drain for which the fund was raised.

Assessment, collection, and return, etc., how made.

When the necessity for cleaning out arises from the neglect of the owner to be taken into consideration. Letting of contracts. Proviso as to surplus in fund.

SEC. 3. All drains regularly established, opened or constructed under any provisions of law heretofore existing, shall be deemed to be legal drains under this act. All drains traversing more than one township, or in which the lands assessed for the construction thereof are situated in more than one township, and heretofore constructed by the drain commissioners of the adjoining townships acting jointly, shall hereafter be under the jurisdiction of the county drain commissioners; and in all drains traversing more than one county and heretofore constructed by a special commissioner, shall hereafter be under the jurisdiction of the county drain commissioners of the counties traversed by said drain acting jointly, and any drain that has been established for ten years shall be conclusively deemed to have been regularly established, and it shall be the duty of the county drain commissioner, where no records of such drains have been preserved, to see that the records of such drains are made in the most practicable manner in the drain records of their respective counties.

Drains heretofore established, legal drains. Certain drains to be under the jurisdiction of county commissioner.

County drain commissioner to make certain records.

SEC. 4. All the powers conferred by this act for establishing and constructing drains and for the enforcement of assessments thereof, shall also extend to and include the deepening, widening and extending of any drains which heretofore have been laid, or may hereafter be constructed; also to straightening, cleaning out and deepening the channels of creeks and streams, and the constructing, maintaining, remodeling and repairing of levees, dykes and barriers, for the purpose of drainage. The county drain commissioner may relocate or extend the line of any drain if the same be necessary, in order to provide a suitable outlet, in which case he shall cause a survey thereof to be made: *Provided*, That no proceedings affecting the rights of persons or property shall be had under this section except upon a like application, notice, hearing and

Constructing, widening, cleaning out and repairing drains, creeks, and levees.

May relocate.

Proviso as to notice.

award prescribed in this act for the construction of drains in the first instance.

May vacate.

Proviso as to private rights.

Who to pay expenses.

May be completed, etc.

Money and records to be turned over by township officers to county officers.

SEC. 5. The county drain commissioner may, upon proper application as required in this act, and upon giving five days' notice thereof by posting only, as provided for the letting in the first instance, declare any drain vacated and abandoned if in his judgment the same has ceased to be of public utility: *Provided*, That private rights of persons acquired by reason of the location and establishment of such drain shall not be interfered with, or in any way be impaired thereby. The party so applying shall pay all expenses of such vacating and abandonment.

SEC. 6. Drains for which an application has been made, or which have been constructed, under [any] the provisions of law heretofore enacted, may be laid, constructed, completed, relaid, cleaned out, widened, deepened or extended, as the case may be, under the provisions of this act.

SEC. 7. Any moneys in the hands of the township treasurer belonging to any township drain fund heretofore constructed or in process of construction shall be turned over by the township treasurer to the county treasurer, and shall be credited to such drain. And the county treasurer shall give his receipt therefor; and any records of drains in the office of any town clerk shall be turned over to the county drain commissioner or county clerk, who shall receipt therefor.

CHAPTER IX.

MISCELLANEOUS.

County drain commissioner may appoint deputies.

Proviso as to consent of bondsmen.

Commissioner and bondsmen liable for acts of deputies.

Compensation of deputies.

Books, blanks and stationery to be furnished by clerk.

SECTION 1. Any county drain commissioner shall appoint one or more deputies whose duty it shall be to act in the place of the county drain commissioner so appointing them only when under the provisions of this act any drain is to be cleaned out: *Provided*, That such appointments when made shall be with the consent of the bondsmen of the county drain commissioner and be in writing and filed with the clerk of the county.

SEC. 2. Such county drain commissioner and his bondsmen shall be liable for all of the acts and defaults of the deputy county drain commissioners when appointed as herein provided.

SEC. 3. Deputy county drain commissioners shall receive for their compensation the sum of two dollars per day for each day actually and necessarily spent by them in the discharge of their duties as prescribed in section one of this chapter.

SEC. 4. County clerks shall be authorized and it shall be their duty to procure at the expense of their respective counties the necessary books, blanks and stationery for the use of

drain commissioners and each county drain commissioner shall furnish upon request blank applications to any person who may desire to file an application for the locating of any drain.

SEC. 5. Drain commissioners shall receive for their services three dollars per day for each day actually and necessarily spent by them in the discharge of the duties of their office.

Compensation of drain commissioners.

SEC. 6. The accounts of such drain commissioner shall be verified by the oath of the drain commissioner, and audited by the judge of probate, county treasurer and county clerk of their respective counties acting jointly and endorsed by them or a majority thereof; after which such accounts shall be filed with the county clerk. Drain commissioners shall not draw any orders upon any drain fund in payment for their services until their accounts have been audited and filed as herein provided.

Auditing accounts of drain commissioners.

SEC. 7. Juries and special commissioners shall receive the same compensation as the county drain commissioners, and newspaper publishers shall receive legal rates for advertising. The judge of probate shall receive ten cents per folio for making exemplified copies of any proceedings had in the probate court, two dollars for the appointment of special commissioners including the certified copy of the order of their appointment, and three dollars for all services performed in case a jury is had. For all services mentioned in this section the county drain commissioner shall draw orders on the funds of the several drains for which said services were performed.

Compensation of juries and special commissioners.

Of judge of probate.

Drain commissioner to draw orders for services.

SEC. 8. It shall be the duty of the Attorney General upon the passage of this act to revise, or cause the same to be done under his supervision, the set of blank forms now in use and required under the provisions of this act, to conform to the said provisions thereof; and it shall be the duty of the Secretary of State to publish a sufficient number of copies of this act in pamphlet form, with an index thereto, and an annotation of all the supreme court decisions to date relating to drains and drainage, together with an appendix containing a copy of all such blank forms.

Attorney General to revise blanks.

Secretary of State to publish act.

SEC. 9. If any person shall wilfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars, and the costs of prosecution, or in default of the payment thereof, by imprisonment in the county jail not exceeding ninety days.

Penalty for removing grade stake or obstructing drain.

SEC. 10. In all proceedings under this act, when the State shall be an interested party, and liable to be assessed for benefits, it shall be the duty of the prosecuting attorney of the county in which such lands are situated, to represent the interests of the State, and to appear in its behalf, and he shall make a report of his actions in each case to the Commissioner of the State Land Office.

Prosecuting attorney to appear for the State.

To report to whom.

State swamp
land drains to
be under con-
trol of county
drain commis-
sioner.

SEC. 11. All drains in any organized county of this State which have been constructed therein partly or wholly by aid of State swamp lands, or under authority of the board of control having charge of the drainage and reclamation of swamp lands by means of State roads and ditches, shall hereafter be under control of the county drain commissioner of the county or counties where said drain is situated, and may be cleaned out, widened, deepened, extended or relaid by said drain commissioner, upon like petition as is required by section one of chapter eight of this act.

Repealing
clause.

SEC. 12. All acts or parts of acts heretofore enacted that are inconsistent with the provisions of this act are hereby repealed, saving all acts done and all rights acquired at the time this act takes effect, and any proceedings had or begun may be carried forward and completed thereunder, the same as they might have done had this act not been passed.

Exception as
to acquired
rights.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 255.]

AN ACT to amend the general railroad law relative to meetings of stockholders, being section three of article two of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning and operating any railroad in this State," as said act was amended by act number sixty-one of the session laws of eighteen hundred and seventy-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three of article two of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning and operating any railroad in this State," as said act was amended by act number sixty-one of the session laws of eighteen hundred and seventy-five, be amended so as to read as follows:

Election,
classification
and term of
office of di-
rectors.

SEC. 3. At any meeting of stockholders for the election of directors, it shall be lawful for the stockholders to classify the directors into three classes, as near as may be, one of which classes shall hold their office one year, one for two years, and one for three years, and until their successors are respectively

elected; and at all subsequent elections directors shall be elected for three years to fill the places made vacant by the class whose term of office shall expire at that time. In case no such classification shall at any time be made the persons elected at any such meeting shall hold their office for one year, and until their successors shall be elected. It shall be the duty of the directors to prescribe by by-law the time and place for calling and holding annual meetings of the stockholders within some county in this State, for the election of directors and the transaction of such other business as may be desired; and if the directors fail so to do, or omit to call such meeting annually, the holders and owners of one-fourth of the capital stock of the company may call the same, at which time and place there shall be a general meeting of the stockholders in person or by proxy. And a special meeting of the stockholders may be called at any time by the directors, or by the stockholders owning not less than one-fourth of the stock in value, by giving notice of such meeting as hereinafter provided. At least thirty days' notice of the time and place of every general or special meeting of the stockholders shall be given in one or more daily newspapers printed in the city of Detroit, and also in one or more newspapers printed in the county where the principal office of the company is situated, if it be not in said city: *Provided*, That such notice, when given by the stockholders, shall state the object of such meeting. Evidence of such notice may be perpetuated by the affidavit of any person having knowledge thereof, and at any meeting of the stockholders held pursuant to this act. The stockholders representing a majority in value of the stock may remove from office any of the directors, or other officer of the company, and elect others in their stead. And the president and directors, and officers and agents of the company, in the exercise of their respective powers and duties, shall at all times be governed by and be subject to such rules, regulations and directions as the stockholders holding a majority in value of the stock may adopt at such meeting and at every such meeting it shall be competent for any stockholder to appear and vote by proxy as well as in person. If at any meeting of the stockholders, a majority in value of the stock which by the provisions of section one of article two of this act, is entitled to vote, is not represented in person or by proxy, the same shall be adjourned by such as are present from day to day, not exceeding three days, without doing any business, when, if such majority do not appear and attend, the meeting shall be dissolved.

Annual meetings of stockholders.

Special meetings.

Notice of meetings.

Notice to state object.

Stockholders may remove directors.

May appear by proxy.

Adjournments, etc.

Approved May 31, 1897.

[No. 256.]

AN ACT to incorporate the White Shrine of Jerusalem.

Supreme
shrine may
incorporate.

SECTION 1. *The People of the State of Michigan enact*, That any Supreme Shrine of the White Shrine of Jerusalem, a higher degree of adaptive Masonry, following the order of the Eastern Star, working under a ritual, copyrighted by Charles D. Magee, Sr., which copyright is number ninety-two hundred and fifty-two A.A. may be incorporated in pursuance of the provision of this act.

Number
who may
incorporate.

SEC. 2. Any ten or more residents of this State, being members of said Supreme Shrine who shall be desirous of becoming incorporated, may make and execute articles of association, under their hands and seals, which said articles of association shall be acknowledged before some officer of this State, having authority to take acknowledgments of deeds, and shall set forth:

Articles of
association,
what to set
forth.

First, The names of persons associating in the first instance and their place of residence;

Second, The name and location of the Supreme Shrine of which they are members;

Third, The corporate name by which such association shall be known in the law;

Fourth, The object and purposes of such association which shall be to promote the general welfare of the order of the White Shrine of Jerusalem, and make all lawful rules and regulations for the management and government of said Supreme Shrine and Subordinate Shrines;

Fifth, To use and operate the ritual of the White Shrine of Jerusalem, a higher degree of adaptive Masonry, as copyrighted by Charles D. Magee, Sr., of Chicago, known as number ninety-two hundred and fifty-two A.A. and recorded by the Librarian of Congress February thirteenth, eighteen hundred and ninety-five;

Sixth, To organize supreme and subordinate bodies under said copyright, and to do all things necessary to carry out the objects and purposes set forth in said ritual, and the period for which it is incorporated, not exceeding thirty years.

Articles to be
filed with
county clerk
and Secretary
of State.

SEC. 3. Said articles of association shall be filed with the county clerk of the county in which said corporation shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose, and also a copy of said articles of association filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors shall be a body politic and corporate, by the name expressed in such articles of association; and by that name, they, and their successors shall have succession, and shall be persons in law capable of suing and being sued, and they and their successors may have a com-

Corporate
powers.

mon seal and the same may be changed and altered at pleasure; and a certified copy of the records of the articles of association under the seal of the county where the said records are kept shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation.

Certified copy of articles to be evidence of incorporation.

SEC. 4. Every corporation formed in pursuance of this act may erect and own or lease such suitable edifice, building or hall as to such corporation shall seem proper, with convenient rooms for the meetings of said fraternity and for that may create a capital stock of not more than fifty thousand dollars, to be divided into shares of not more than fifty dollars each, and may take, receive, purchase and hold in its corporate capacity real and personal estate, and the same or any part thereof demise, convey, mortgage, use and dispose of at pleasure: *Provided, however,* That all such property both real and personal shall be subject to taxation the same as other property; and such corporation may take, purchase, hold and own such suitable lots or parcels of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots and the burial of the dead therein, as to such corporation may seem proper.

Corporation may own or lease building.

Limit of amount of stock.

Corporation may own cemetery.

SEC. 5. The stockholders, each of whom shall be entitled to one vote for each share of stock held by him, may elect from their number a board of trustees, not less than six nor more than nine members, a majority of whom shall form a quorum, and the trustees shall appoint from their own number a president, secretary and treasurer, who shall perform the duties of their offices in accordance with the rules and regulations which may be prescribed by the board of trustees.

Election of trustees and officers.

SEC. 6. The management and direction of the interests and affairs and property of such corporation shall be vested in said board of trustees, and said board shall make all needful rules, ordinances and by-laws regulating the transaction of the business and the management of the property and all the affairs, concerns and interests of such corporation, and providing for the time and manner of electing the officers and trustees of the corporation and the length of the term of office of the trustees, a part of whom after the first election shall be chosen annually.

Trustees to manage corporation.

SEC. 7. Every corporation under and in pursuance of this act shall have full power and authority to provide by its by-laws from time to time for the election from its own members of such other officers of the corporation, under and by such name and style as shall be in accordance with its ritual, by-laws and constitution, and instead of appointing a board of trustees to have the management and control of its property, interests and affairs as provided in sections five and six of this act, may if the corporation so choose, provide in its rituals and by-laws that the property, affairs and interests of the corporation shall be managed and controlled by such per-

Election of officers in accordance with ritual.

Officers instead of trustees may manage corporation.

Corporation may enact by-laws. sons or officers of the corporation, or in such manner as the corporation shall from time to time provide for that purpose in such by-laws; and the corporation may enact all such by-laws, rules and regulations as may be necessary for its government and the government of subordinate shrines and for the care and management of its property, and for the care and management of the property of subordinate shrines and the affairs and interests of both the supreme and subordinate bodies and to carry into effect the powers and privileges in this act granted and may alter and amend the same at pleasure:

Proviso as to board of trustees. *Provided, however,* That in all cases where such corporation shall choose to appoint a board of trustees to have the management of its property and affairs, such board shall have the power and the management and the direction of the interests and property of the corporation as provided in sections five and six of this act.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 257.]

AN ACT to limit the liability of sureties on bonds given on appeal from justice courts.

Action to be brought within two years.

When liability terminates within one year of passage of this act.

SECTION 1. *The People of the State of Michigan enact,* That no action shall hereafter be brought to charge any surety or sureties on any bond or recognizance given on an appeal from any justice court in this State, unless the same shall be brought within two years from the date of the final determination of the suit in which such bond is filed: *Provided,* That in all cases of such bonds, where the liability of the surety or sureties would, under the terms of this act, terminate within one year from the taking effect of this act, that an action to charge such surety or sureties may be brought at any time within one year from the date of the taking effect of this act.

Acts repealed.

SEC. 2. All acts and parts of acts in anywise contravening any of the provisions of this act are hereby repealed.

Approved June 2, 1897.

[No. 258.]

AN ACT to amend sections five and seven of act number one hundred and twenty-three of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the maintenance, supervision and government of the School for the Blind, and to repeal all acts and parts of acts inconsistent herewith."

SECTION 1. *The People of the State of Michigan enact, That* sections five (5) and seven (7) of act number one hundred and twenty-three of the public acts of eighteen hundred ninety-three, being "An act to provide for the maintenance, supervision and government of the Michigan School for the Blind, and to repeal all acts and parts of acts inconsistent herewith," be amended the said sections to read as follows: Sections amended.

SEC. 5. There shall be received in said school as pupils all such blind persons and partially blind persons whose defective sight prevents their receiving instruction in the common schools, between the ages of seven and nineteen years, as are in suitable condition of body and mind to receive instruction, and who are residents of this State, and if minors whose parents or guardians are residents of this State, without charge for tuition, board, lodging, washing, medicine or medical attendance: *Provided*, The board of control may, in their discretion, admit persons under the age of seven or over nineteen years. Who may be admitted as pupils.

SEC. 7. The period for which pupils shall be entitled to remain in said school shall be twelve years, but the board of control may, in cases where they deem it advisable, extend said time to fourteen years. This section shall not be so construed as to prohibit the said board of control from dismissing any pupils within the said period of twelve years for persistent disobedience, immoral conduct or other sufficient cause or in consequence of such pupil having been partly educated before entering said school. Period which pupils may remain.

Pupils may be dismissed.

Approved June 2, 1897.

[No. 259.]

AN ACT to provide for the economical use and disposal of the products of the several benevolent, penal and reformatory institutions of the State of Michigan.

Commission
to formulate
rules for ex-
change, etc.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the board of control or management of each of the benevolent, penal and reformatory institutions of Michigan on the fourth Monday after this act shall take effect, to designate one member of each of said boards to act and perform the duties of a commission composed of one member from each of said boards, for the purpose of formulating and adopting rules and methods for the manufacture, interchange, valuation and use of the products of each and every one of said institutions, by all other institutions of the State, benevolent, penal and reformatory, and on adoption of said rules and methods by said commission, the same shall be submitted to each of said boards and by said boards enforced.

Rules may be
amended,
how.

SEC. 2. Each and every year thereafter on the fourth Monday of April said rules and methods may be amended and revised by a commission appointed and acting in the manner designated, and when so amended and revised, the same shall be enforced as amended.

Interchange
of goods, etc.,
made obliga-
tory.

SEC. 3. That wherever there is or may be grown, made, manufactured or in any way produced in one institution any article of food, raiment or use, which may be, or may be made available in the support or maintenance of any other institution, or of the inmates thereof the same shall under said rules and methods so formulated and enforced, be supplied by the institution growing, making, manufacturing or producing the same, to the other institutions of the State.

Accounts of
interchange
to be kept.

SEC. 4. An account of all such interchange of products shall be carefully kept by the institution furnishing the same, and also by the institution receiving the same, and bills thereof and therefor shall in all instances be passed through the institution's accounts as cash [transactions] transaction the same as though purchased or sold in the ordinary course of business: *Provided*, That this shall apply only to goods made on State account.

Acts repealed.

SEC. 5. All acts or parts of acts contravening any of the provisions of this act are hereby repealed.

Approved June 2, 1897.

[No. 260.]

AN ACT to amend section twelve of act number one hundred and sixty-four of the public acts of eighteen hundred and ninety-five entitled "An act to amend section twelve of act two hundred thirty-two, public acts of eighteen hundred eighty-five, being an act entitled 'An act to revise the laws providing for the incorporation of all manufacturing companies except such as are contemplated by act number forty-two of the session laws of eighteen hundred sixty-seven, which provides for the incorporation of persons or corporations engaged in the manufacture of salt and mercantile companies or any union of the two and to fix the duties and liabilities of such corporations,' approved June twentieth, eighteen hundred and eighty-five, as amended by act one hundred and seventy of the public acts of eighteen hundred eighty-nine and acts number seventy-six and one hundred and eighty-seven of the public acts of eighteen hundred ninety-three."

SECTION 1. *The People of the State of Michigan enact*, That section twelve of act number one hundred and sixty-four of the public acts of eighteen hundred and ninety-five entitled "An act to amend section twelve of act two hundred thirty-two, public acts of eighteen hundred eighty-five, being an act entitled 'An act to revise the laws providing for the incorporation of all manufacturing companies except such as are contemplated by act number forty-two of the session laws of eighteen hundred sixty-seven which provides for the incorporation of persons or corporations engaged in the manufacture of salt and mercantile companies or any union of the two, and to fix the duties and liabilities of such corporations,' approved June twentieth, eighteen hundred and eighty-five, as amended by act one hundred and seventy of the public acts of eighteen hundred eighty-nine, and acts number seventy-six and one hundred and eighty-seven of the public acts of eighteen hundred ninety-three," be and the same is hereby amended so as to read as follows: Section amended.

SEC. 12. Every such corporation carrying on its manufacturing or mercantile business within or without this State, shall annually, in the month of January or February, make duplicate reports for the fiscal year of such corporation, which shall state the amount of the capital stock of the corporation, and the amount actually paid in, the amount invested in real and in personal estate, the amount of debts of the corporation and the amounts of credits, the name of each stockholder and the number of shares held by him at the date of such reports, and such other information as the Secretary of State may require; which duplicate reports shall be made on suitable blanks furnished by the Secretary of State on Annual report in duplicate.

Blanks for.

<p>Secretary of State to examine and file.</p>	<p>application, signed by a majority of the directors, verified by the oath of the secretary of the corporation, and deposited in the office of the Secretary of State; such duplicate reports shall be so deposited within the said month of January or February. The Secretary of State shall carefully examine such reports, and if upon such examination, they shall be found to comply with all the requirements of this section, he shall file one of them in his office, and shall forward the other by mail, to the county clerk of the county in which the office in this State, for the transaction of the business of the corporation</p>
<p>County clerk, duty of.</p>	<p>so reported, is situated, and it shall be the duty of such county clerk, upon receipt of such report, to immediately cause the same to be filed in his office. If any of said directors of any such corporation shall wilfully neglect or refuse to make and deposit the report required by this section, within the time</p>
<p>Penalty for failure to make report.</p>	<p>hereinbefore specified, they shall each be liable for all the debts of such corporation and subject to a penalty of twenty-five dollars, and in addition thereto the sum of five dollars for each and every secular day after the first day of March in each year during the pendency of such neglect or refusal, which penalty shall be for the use and benefit of the general</p>
<p>When corporations fail to make report.</p>	<p>fund of this State. The Secretary of State shall, during the last week in June in each year, report to the Attorney General, in writing, the name and postoffice address of each and every corporation which has failed to comply with the provisions of this section, and upon receipt of such report it shall be the duty of the Attorney General to institute proceedings in any court of competent jurisdiction to collect said penalties, and all necessary expenses incurred by the Attorney General in such proceedings shall be audited by the Board of State Audi-</p>
<p>When corporation dissolved, notice to be sent to Secretary of State, by whom.</p>	<p>tors, and paid from the general fund of the State. And in case a corporation organized or existing under the provisions of this act shall be dissolved by process of law, or whose term of existence shall terminate by limitation, whose property and franchises shall be sold at mortgage sale or at private sale, or for any reason the attitude of the corporation toward the State shall be changed from that set forth in the articles of association, except as is provided in sections two and seventeen, it shall be the duty of the last board of directors of such corporation, within thirty days thereafter, to give written notice of such change to the Secretary of State and county clerk of the county where the office of such corporation is located, signed by a majority of such directors, which said notice shall be recorded as amendments are required to be recorded; and in case of neglect to give such notice they shall</p>
<p>Neglect, penalty for.</p>	<p>be subject to the same penalties provided in case of neglect to make annual reports, which said penalties shall be collected and applied in the same manner as in case of neglect in making</p>
<p>Secretary of State to notify corporation.</p>	<p>annual reports. It shall be the duty of the Secretary of State during the month of December, A. D. eighteen hundred ninety-five, to cause to be mailed to every corporation subject to the</p>

provisions of act number two hundred thirty-two, public acts of eighteen hundred eighty-five, as amended, a printed copy of this act. The neglect or refusal to file the reports required by this section to be filed, shall, as to managing officers and directors, and officers and directors actually engaged in conducting the business of the corporation of which they are such officers or directors, be deemed to be wilful when the report required is not filed within the time therein limited. Whenever any corporation has neglected or refused to make and file its report within twenty days after the time limited in this section, the Secretary of State shall cause notice to be given to such corporation of that fact accompanied by blanks upon which to make such report. And in case of all officers and directors other than those managing or actually engaged in the conduct of the affairs and business of the corporation, the neglect or refusal to file the reports required by this section, shall be deemed to be wilful, after the Secretary of State shall have given the notice above provided for, if such report be not made within thirty days thereafter: *Provided*, Flour milling corporations shall make and deposit annual reports in the month of July or August, and for refusal or neglect to make and deposit the reports required by this section, before the first day of September in each year, such corporation or any of its officers or directors shall be liable for all the debts of such corporation and shall be immediately subject to all the penalties provided in this section. The first report required under this law shall be made in the year eighteen hundred ninety-eight.

When neglect
to file report
deemed
wilful.

Proviso as to
flour milling
companies.

Approved June 2, 1897.

[No. 261.]

AN ACT to amend section forty-two of act number two hundred and six of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the assessment of property and the levy (and collection) of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred and ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act."

SECTION 1. *The People of the State of Michigan enact, That* section forty-two of act number two hundred six of the public

Section
amended.

acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy (and collection) of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three, be and the same is hereby amended so as to read as follows:

Supervisor to prepare assessment roll and annex warrant.

Township treasurer to pay over State and county taxes, when.

To levy by distress and sale.

SEC. 42. The supervisor shall thereupon prepare a copy of the said assessment roll, with the taxes assessed as hereinbefore provided, and annex thereto a warrant signed by him, commanding the township or city treasurer to collect the several sums mentioned in the last column of such roll and to retain in his hand the amount receivable by law into the township treasury for the purpose therein specified, and to pay over to the county treasurer the amounts which shall have been collected for State and county purposes up to and including the tenth day of January next following, within three days thereafter, and the remainder of the amounts therein specified for said purposes, and account in full for all moneys received on or before the first day of March next following; and the said warrant shall authorize and command the treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. The supervisor may make a new roll and warrant in case of the loss of the one originally given to the township treasurer; the copy of the roll with the warrant annexed, shall be known as "The tax roll."

Approved June 2, 1897.

[No. 262.]

AN ACT to require township boards to make and publish annually an itemized statement of the condition of the finances of the township, in relation to the receipts and disbursements made by the township board.

Financial statement to be published, when.

SECTION 1. *The People of the State of Michigan enact, That* the township boards of the several townships of this State shall make and cause to be published annually, immediately upon the settlement of the township board, an itemized state-

ment of first, the amount of money in the hands of the township treasurer at the beginning of the fiscal year, specifying the amount in the several funds; second, the amount and source of all money placed to the credit of the township and the fund to which the same has been accredited; third, all bills audited and allowed by them; fourth, all disbursements of money made by them, and for what purpose and from what fund the same has been paid; fifth, all outstanding unpaid claims and to what fund the same are charged; sixth, the balance of money remaining to the credit of the township, specifying the amount in the several funds. The said itemized statement shall be written or printed and distributed in numbers of not less than five nor to exceed fifty copies and also post three copies of said statement in conspicuous places, said distribution and posting to be made at the polls of every annual township meeting, at the commencement of the opening of the polls.

To contain
what.

How dis-
tributed.

SEC. 2. That the expense of carrying out the provisions of this act shall be a charge against and shall be audited and allowed by the township board and paid out of the general fund of such township.

At township
expense.

SEC. 3. The failure on the part of the township board to comply with the provisions of this act shall be deemed to be a misdemeanor on the part of all the individual members of such township board not voting therefor and shall be punished by a fine of not more than twenty-five dollars or by imprisonment in the county jail, for a period of not more than thirty days, or by both such fine and imprisonment in the discretion of the court, upon the complaint of any taxpayer within such township.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved June 2, 1897.

[No. 263.]

AN ACT to authorize the Auditor General to accept payment of taxes and charges from the owner of any description of land held by the State as State tax lands.

SECTION 1. *The People of the State of Michigan enact, That* whenever any person, firm or corporation owning or claiming to own one or more government subdivisions of land included in the assessment with other government subdivisions of land upon the tax roll, shall make an affidavit, or cause said affidavit to be made by any person having knowledge of the facts, to the Auditor General, setting forth that the said person, firm or corporation owns at the time of making said affidavit the

When Audit-
or General
shall accept
payment of
portion of tax.

Auditor Gen-
eral to issue
deed.

said government subdivision of land, and that the same has been included upon the assessment roll and has been sold and is held as State tax land with other government subdivisions of lands, and that the said affiant is desirous of paying all the taxes assessed against said land, and upon tender by such person, firm or corporation to the Auditor General, the proportionate amount of taxes, interest and charges accrued against said description of land as appearing by the tax lists and records at the time said tender or payment and affidavit is made, it shall be the duty of the Auditor General upon payment to issue to such person, firm or corporation, as aforesaid, a deed of the description or descriptions of land described in such affidavit.

Approved June 2, 1897.

[No. 264.]

AN ACT to provide for the stamping of boots or shoes composed wholly or partly of an imitation leather.

Defining term
"imitation
leather."

SECTION 1. *The People of the State of Michigan enact*, That the term "imitation leather" as used herein shall, for the purposes of this act, be defined to be all leather composed in whole or in part of paper, scraps and portions of hides of animals used in the manufacture of boots or shoes, which being pressed together with an adhesive substance to keep such component parts intact, is used in the place of solid leather in the making of such foot gear.

Boots or shoes
to be stamped,
how.

SEC. 2. Every person, firm or corporation within this State, that is engaged in the manufacture, sale or exchange, or offers for sale, or has in possession with intent to sell, boots or shoes in the construction of which any imitation leather, so-called, as hereinbefore defined, is used shall cause to be stamped upon such boots or shoes the words "imitation leather" in a distinct and legible manner: *Provided, however*, That the letters in the words "imitation leather" shall not be less than one-eighth of an inch in length.

Where
stamped.

SEC. 3. When such imitation leather, so-called, shall be used either as soles, in-soles, heels or counters of such boots or shoes, the words "imitation leather" shall be stamped upon the outside of the soles near the heel of such boots or shoes; and when such imitation leather, so-called, shall be used in the making of any other part or parts of such boots or shoes, the words "imitation leather" shall be stamped thereon, in a conspicuous place: *Provided, however*, Excepting the soles of such boots or shoes the words "imitation leather" need not be stamped upon the outside thereof.

Proviso.

SEC. 4. Having in possession any boots or shoes which are composed in whole or in part of any imitation leather, so-called, as hereinbefore defined, and which is not stamped as herein required, shall for the purposes of this act be deemed *prima facie* evidence of intent to sell the same: *Provided*, This act shall not apply to stocks now on hand. When deemed
intent to sell.

Proviso.

SEC. 5. Any person who shall knowingly violate any of the provisions of this act shall, for each offense, be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days, or by both such fine and imprisonment in the discretion of the court. Penalty for
violation
of act.

SEC. 6. It shall be the duty of all prosecuting officers of this State to prosecute to completion, all suits brought under the provisions of this act, upon the complaint of any citizen. Duty of prose-
cuting officers.

SEC. 7. All acts or parts of acts in conflict with the provisions of this act are hereby repealed. This act shall take effect January first, eighteen hundred ninety-nine. Acts repealed.

Approved June 4, 1897.

[No. 265.]

AN ACT to amend sections one (1) and two (2) of act number two hundred and twenty-two (222) of the public acts of eighteen hundred and eighty-seven (1887), as amended by section one (1) of act number one hundred and eighty-three (183) of the public acts of eighteen hundred and ninety-five (1895), entitled "An act to prevent crime and to punish truancy," being compiler's sections nine thousand three hundred fifteen *c* (9315 *c*) and nine thousand three hundred fifteen *d* (9315 *d*) of chapter three hundred and thirty-two (322) of Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That sections one [1] and two [2] of act two hundred and twenty-two [222] of the public acts of eighteen hundred and eighty-seven [1887] as amended by section one [1] of act one hundred and eighty-three [183] of the public acts of eighteen hundred and ninety-five [1895], entitled "An act to prevent crime and to punish truancy," being compiler's sections nine thousand three hundred fifteen *c* [9315 *c*] and nine thousand three hundred fifteen *d* [9315 *d*] of chapter three hundred thirty-two [322] of Howell's annotated statutes of Michigan, be and the same is hereby amended so as to read as follows: Sections
amended.

What children deemed truants or disorderly persons.

SECTION 1. That every boy between the age of ten and sixteen years, or any girl between the age of ten and seventeen years, who shall frequent or be found lounging about saloons, disreputable places, houses of ill fame, or who shall be an inmate or resident or a member of a family who [reside] resides in any house of ill fame, or conduct any other disreputable place, or who shall frequent other rooms or places where dissolute and disreputable people congregate, or where intoxicating liquors are kept for sale, or who shall, against the command of his or her parents or guardian, run away or wilfully absent himself or herself from the school he or she is attending, or from any house, office, shop, firm or other place where he or she is residing or legitimately employed with labor, or who shall against such command of his or her parents or guardian or for any immoral, disorderly or dishonest purposes be found lounging upon the public streets, highways or other public resorts or at places of amusement of dissolute or improper character, or who shall against any such command or for any [such] disorderly or dishonest purposes attend any public dance, skating rink, or show shall be deemed guilty as a truant or disorderly child.

Who to make complaint.

SEC. 2. Upon the complaint upon oath and in writing made before any justice of the peace, police justice, or other criminal magistrate by the parent or guardian or other person knowing of the facts of his own knowledge that any girl between the age of ten and seventeen years, or that any boy between the age of ten and sixteen years, or by the supervisors of any township, or mayor of any city, or president of any village, and in any city of over eight thousand population by the chief of police, mayor or other person knowing of the facts of his own knowledge that such minor has been guilty of any of the acts specified in section one of this act, such justice or other criminal magistrate shall issue a warrant for the arrest of such minor, and upon conviction such minor, if a boy, may be sentenced by such justice or criminal magistrate to the Industrial School for Boys at Lansing, and if a girl, to the Industrial Home for Girls at Adrian, boys until eighteen years of age, and girls until twenty-one years of age, unless sooner discharged according to law: *Provided*, That no person or persons shall be sent to said Industrial School for Boys or to the Industrial Home for Girls until the sentence therein has been submitted to and approved by one [of] the judges of the recorder's court of the city of Detroit, or judge of the superior court of the city of Grand Rapids, or any circuit judge of the county in which such conviction shall be had.

Term of sentence.

Proviso as to approval of sentence.

Repealing clause.

SEC. 3. All acts and parts of acts in anywise contravening the provisions of this act are hereby repealed.

Approved June 2, 1897.

[No. 266.]

AN ACT to amend section fourteen and repeal section eighteen of act number one hundred ninety of the public acts of eighteen hundred and ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and [deception] deceptions at elections in this State," approved July three, eighteen hundred and ninety-one, as subsequently amended, and to add to said act as amended, a new section to stand as section forty-eight, so as to provide for a separate ballot containing the constitutional amendments and other questions to be submitted at such elections.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen of act number one hundred ninety of the public acts of eighteen hundred and ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and [deception] deceptions at elections in this State," approved July third, eighteen hundred and ninety-one, as subsequently amended, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 14. The board of election commissioners in each county shall cause the names of all candidates for the various offices mentioned in section one of this act to be voted for in each legislative district of said county at any election held pursuant to the provisions of this act, to be printed on one ballot, all nominations of any party to be placed under the title and device of such party as designated by them in their certificate. * * * * * The tickets of the party having the greatest number of votes within the county at the last preceding general election shall be placed first on the ballot, the position of other tickets to be governed relatively by the same rule. The ballots shall be of uniform size and of the same quality and color of white paper, and sufficiently thick that the printing cannot be distinguished from the back. The list of candidates of each party shall be placed in a separate column of said ballot with the appropriate heading; and the arrangement of the ballot shall conform as nearly as may be to the following plan, and shall contain the specific instruction therein set forth, and no others: Names of all candidates to be printed on ballot.

Order in which tickets shall appear on ballot.

Ballots to be uniform in size, etc.

Plan of ballot.

OFFICIAL BALLOT.

[Instructions.]—In all cases stamp a cross (x) in the circle under the name of your party at the head of the ballot. If you desire to vote a straight ticket nothing further need be done.

Where only one candidate is to be elected to any office, and you desire to vote for a candidate not on your party ticket,

make a cross in the square before the name of the candidate for whom you desire to vote on the other ticket.

Where two or more candidates are to be elected to the same office, and you desire to vote for candidates on different tickets for such office, make a cross in the square before the names of the candidates for whom you desire to vote on the other ticket; also erase an equal number of names of candidates on your party ticket for the same office for whom you do not desire to vote.

If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials may be seen on the outside.

NAMES OF OFFICER VOTED FOR.	VIGNETTE.	VIGNETTE.	VIGNETTE.
	DEMOCRATIC.	REPUBLICAN.	INDUSTRIAL.
	○	○	○
STATE.			
Governor.....	<input type="checkbox"/> Edwin B. Winans.	<input type="checkbox"/> James M. Turner.	<input type="checkbox"/> Lyman A. Brant.

Lientenant Governor.....	<input type="checkbox"/> Frederick Braastad.	<input type="checkbox"/> Lemuel G. Dafoe.	<input type="checkbox"/> William A. Johnson.

Secretary of State	<input type="checkbox"/> Daniel E. Soper.	<input type="checkbox"/> Washington Gardner.	<input type="checkbox"/> William H. McKinstry

CONGRESSIONAL.			
Representative in Congress— fifth Congressional district.	<input type="checkbox"/> Edwin F. Uhl.	<input type="checkbox"/> Charles W. Watkins.	<input type="checkbox"/> Dudley O. Watson.

PRESIDENTIAL.			
Electors of President and Vice President.....	<input type="checkbox"/> Arthur S. White.	<input type="checkbox"/> Fred. W. Maynard.	<input type="checkbox"/> John W. Hayward.

LEGISLATIVE.			
State Senator—twenty-first district.....	<input type="checkbox"/> Albert K. Roof.	<input type="checkbox"/> Selig Solomon.	<input type="checkbox"/> John M. Herz.

Representative—first district.	<input type="checkbox"/> Vincent P. Cash.	<input type="checkbox"/> DeVere Hall.	<input type="checkbox"/> William B. Jackson.

COUNTY.			
Sheriff	<input type="checkbox"/> Charles R. Pratt.	<input type="checkbox"/> William Hahn.	<input type="checkbox"/> James Hanley.

Judge of Probate.....	<input type="checkbox"/> Jay L. Newberry.	<input type="checkbox"/> Grant M. Morse.	<input type="checkbox"/> Frank Porter.

Treasurer	<input type="checkbox"/> J. Warren Peake.	<input type="checkbox"/> John V. N. Gregory.	<input type="checkbox"/> Frank W. Cook.
.....

SEC. 48. Whenever any constitutional amendments or other questions are proposed to be submitted to the electors, the board of election commissioners of each county shall cause them all to be printed on one ballot, separate and distinct from the ballot containing the names of nominees for public office, the substance of each amendment or other question to be clearly indicated upon said ballot by a suitable designation in distinct and easily legible type, with the words "yes" and "no" printed below it in separate lines. The elector shall designate his vote on each separate question submitted by a cross mark (x) placed opposite the word "yes" or the word "no" under such question in a suitable place provided therefor. The said ballots shall be of uniform size and of the same quality of white paper, and sufficiently thick that the printing cannot be distinguished from the back. They shall be delivered to the inspectors and electors, and voted and canvassed in all respects in the same manner and subject to the same regulations, restrictions and penalties heretofore provided in this chapter for the ballots containing the names of the nominees for public offices, except that separate ballot boxes shall be kept and used, the box for the deposit of the ballots for nominees being designated by the words "Public officers," plainly printed or painted thereon, so as to be readily seen by each elector, and the box for the deposit of ballots for constitutional amendments and other questions to be designated by the words "Propositions submitted" in the same manner.

Constitutional amendments on separate ballot.

How vote designated.

How ballot boxes marked.

SEC. 3. Section eighteen of said act number one hundred ninety of the public acts of eighteen hundred and ninety-one is hereby repealed.

Section repealed.

Approved June 4, 1897.

[No. 267.]

AN ACT to amend section one of act number two hundred and eight of the session laws of eighteen hundred and eighty-seven, entitled "An act to provide for the correction of frauds and mistakes in the canvass and returns made by inspectors of elections," being section two hundred and thirty-four *a*, third volume of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred and eight of the session laws of eighteen hundred and eighty-seven, entitled "An act to provide for the correction of frauds and mistakes in the canvass and returns made by inspectors of elections," being section two hundred and thirty-four *a*, third volume Howell's

Section amended.

annotated statutes, be and the same is hereby amended to read as follows:

Petition for correction of canvass, to whom made, etc.

Proviso limiting amount of deposit.

When board of canvassers to make investigation.

Clerk to call meeting of board.

How committee of investigation appointed.

Committee to make recount of ballots.

SECTION 1. That any candidate voted for at any election, conceiving himself aggrieved on account of any fraud or mistake in the canvass of the votes by the inspectors of election, or in the returns made, may (within three days after the conclusion of a township canvass, if a township office) or on or before the close of the last day upon which the board of city canvassers meet, if a city or ward office, or board of village canvassers, if a village office, present to and file with the clerk of such board a written petition, which shall be sworn to, setting forth, as near as may be, the errors, mistakes or frauds complained of, and the township, ward or village in which they occur, and asking for a correction thereof. He shall at the same time deposit with the clerk of said board the sum of ten dollars for each and every township, ward or village referred to in his petition: *Provided*, That no candidate shall be required to deposit more than one hundred dollars, which sum shall be paid in case such petitioner does not establish a fraud or mistake, as set forth in his petition, by the clerk of the board of city canvassers, to the city treasurer for the use of the city and by the clerk of the village to the village treasurer and by the township clerk to the township treasurer for the use of the city, village or township, as the case may be. Upon filing such petition, making such deposit and giving at least twelve hours' written notice thereof to the opposing candidate by handing to such candidate a copy thereof, or if such candidate cannot be found, by leaving such copy at the last place of residence, it shall be the duty of such board of canvassers to proceed to make an investigation of the facts set forth in said petition. For which purpose the clerk, if no meeting be already appointed, shall call a meeting of such board of canvassers and the said board shall have power to cause the ballot boxes used in such election districts to be brought before them. The said board shall thereupon appoint a committee of their own number as follows: The said board shall designate a member who shall be the chairman of said committee, the candidate presenting such petition and the candidate opposed thereto shall each choose a member, and if such candidates, or either of them, decline to choose a member, then the board shall designate, and the three thus chosen shall constitute a committee to investigate the errors, mistakes or frauds complained of. Said committee shall, in some public place, where such candidates and their counsel may be present, if they so desire, without unnecessary delay proceed to open the ballot boxes from such village, townships or wards, and to make a recount thereof as to such candidates, and make correct and full returns in writing under their hands to said board, showing the whole number of votes given, the names of the candidates, and the number of votes given to each, written out in words and figures as upon the

ballots. Said committee, upon making such recount, shall at once return the ballots to their respective boxes, carefully fasten and seal the same and deliver them to the officer having the care and custody thereof. Said board of canvassers, upon receiving the report of such committee, shall accept the same as correct, anything in the previous (declaration, certificate or) returns from such township, ward or village to the contrary notwithstanding. Any candidate not receiving a certificate of election, may for errors apparent upon the face of the returns have the same examined and corrected upon *certiorari* to the circuit court of the county, according to the rules and practice applicable to such writs. In all cases where, by reason of such recount, the petitioner succeeds in establishing a fraud or mistake, as set forth in his petition, and receive a certificate of election, the money deposited by him shall be refunded. For fraudulent or illegal voting, or tampering with the ballot boxes before a recount by the board of canvassers, the remedy by *quo warranto* shall remain in full force, together with any other remedies now existing. (The usual final adjournment of a township board of canvassers shall be deemed subject to the recall of the board as herein provided.)

Ballots to be returned to boxes.

Report of committee to be accepted as correct.

Appeal to circuit court, how.

When fraud established deposit to be returned to petitioner. Remedy for fraudulent voting, etc.

Final adjournment subject to recall.

Approved June 4, 1897.

[No. 268.]

AN ACT to regulate and license the use of fire arms in hunting for and killing deer protected by the laws of this State and providing a penalty for its violation.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person to hunt for or kill deer in this State without first obtaining a hunter's license permitting him to do so.

Deer license required.

SEC. 2. Any person who has been a bona fide resident of this State for six months then last past may procure a hunter's license for himself, by filing his affidavit with the clerk of the county where he resides, stating his name, age, place of residence, postoffice address, the color of his hair and eyes and the fact of whether he can or cannot write his own name and paying to said clerk the sum of seventy-five cents.

Resident to procure license, how.

SEC. 3. Any non-resident of this State may procure a hunter's license by filing his affidavit with the clerk of the county or one of the counties in which he proposes to hunt stating his name, age, place of residence, postoffice address, color of his hair and eyes and the county or counties in which he proposes to hunt and the fact of whether he can or cannot write his own name and paying to said clerk the sum of twenty-five dollars.

Non-resident to procure license, how.

Licenses,
issued when;
authorizing
what.

Proviso.

Duty of
county clerks.

To keep a
record.

Fee of clerk.

Moneys to be
forwarded to
State Treas-
urer.

Disposition
of money
remaining
in county
treasury.

Disposition
of money
in State
treasury.

SEC. 4. Such licenses shall be dated when issued and shall authorize the person named therein, to use firearms in hunting for or killing deer for the deer hunting season of that year but only in the manner and at the times provided by law: *Provided*, That nothing in this act or in the license issued thereunder shall be so construed as to permit the hunting or killing of deer in any county of this State, where the hunting or killing thereof is prohibited by law.

SEC. 5. County clerks shall issue licenses under the seal of their office, to all persons complying with the provisions of this act and shall sign the same and each coupon attached thereto and shall require the person to whom the license is issued to sign his name in the margin thereof and if such applicant shall not be able to write, he shall certify such fact in the margin and have him sign by his mark and shall fill out correctly and preserve the blank stubs attached thereto. He shall keep a correct and complete record of all licenses issued, in a book to be furnished by the Secretary of this State, which record shall remain in his office and be open to the inspection of the public at all times.

SEC. 6. Such clerk shall retain for his own use out of the moneys received for each license issued the sum of twenty-five cents which shall cover the swearing of the applicant to the affidavit herein referred to, and all other services under this act and shall pay the balance to the county treasurer of his county on the first day of March, May, September and December of each year, specifying the amount thereof received for resident and for non-resident licenses.

Said county treasurer shall forthwith forward to the State Treasurer all sums of money received by him for non-resident licenses and one-half of all moneys received by him for resident licenses and the balance he shall hold in his hands to be used as hereinafter provided.

The amount remaining in the hands of the county treasurer shall be paid out upon orders of the board of supervisors, but only for services rendered by sheriffs, constables, deputy game wardens and county game wardens in enforcing the game and fish laws of this State, in said county. All moneys to be retained by the county treasurer under the provisions of this section against which orders have not been drawn by the board of supervisors shall be covered into the State treasury at the expiration of one year after the year in which the license was issued.

So much of said moneys as is covered into the State treasury shall be paid out by the Auditor General on his warrant, but only in payment for services rendered by the State Game and Fish Warden and his deputies as allowed by law for such services, and the necessary traveling expenses in enforcing the game and fish laws of this State, upon itemized bills duly certified by the State Game and Fish Warden and allowed by

the Board of State Auditors, whose duty it shall be to audit and allow the same.

SEC. 7. The licenses for residents and non-residents shall be printed by the Secretary of State on the best tag board with coupons properly eyeletted, so different in color as to be easily distinguished, and the resident and non-resident licenses shall be numbered consecutively. The resident licenses shall be bound in book form of not less than one hundred in each book and the non-resident licenses in not less than twenty-five in each book. The Secretary of State shall also prepare and print blank affidavits for resident and non-resident hunter's license, and shall bind such affidavits in book form, the non-resident not less than twenty-five and the resident not less than one hundred in each book, which affidavits shall be numbered consecutively and corresponding in number and color with the licenses. The Secretary of State shall deliver to the clerk of each county, as soon as this act goes into effect and at least ten days before the first day of January of each year thereafter, one hundred resident and twenty-five non-resident licenses and one hundred resident and twenty-five non-resident affidavits, and as many more as may be required, and shall charge said clerk with the number so issued to him. At the close of each year and within ten days thereafter, each county clerk shall return to the Secretary of State all unused licenses and affidavits and stubs of licenses issued, with a report of the number of resident and non-resident licenses issued, amount of money received, amount retained by him and the amount paid over to the county treasurer of his county for resident and non-resident licenses issued.

Secretary of State to furnish licenses, etc.

To furnish blank affidavits.

Number to be delivered to county clerk.

Unused licenses, etc., to be returned to Secretary of State.

SEC. 8. Said licenses, coupons and stubs shall be in the following form:

Form of license, coupons, stubs, etc.

I certify the within named
has made affidavit that he cannot
write.

Clerk.

STATE OF MICHIGAN, }
County of } ss.

I, clerk of said county, do hereby certify that
....., whose name is signed in the margin
of this license, in his own handwriting or who has made oath
before me that he cannot write, has filed with me the affidavit
required by law for a hunter's license, stating therein that he
is a resident of the State of, county of,
and his postoffice address is, his age is
years, the color of his hair is, and the color of his
eyes is

That he has paid me the sum ofdollars
for this license and is authorized to hunt for, and kill with
firearms, all deer which may be killed but which are protected
by the laws of this State, but only at the times and places and
in the manner provided by law.

Dated, 189...

Clerk.

[SEAL.]

.....,

Signature of holder,

COUPON No. 5. HUNTER'S LICENSE No. -----

Issued by the clerk ofcounty, Michigan, on
, 189....

This coupon authorizes any person named in said license to
 ship one deer, or part thereof, to any point in Michigan but this
 coupon must accompany it.

.....,

Clerk.

.....,

(Signature of holder.)

Witness,

Agent.

COUPON No. 4. HUNTER'S LICENSE No. -----

Issued by the clerk of county, Michigan, on
, 189....

This coupon authorizes any person named in said license
 to ship one deer, or part thereof, to any point in Michigan but
 this coupon must accompany it.

.....,

Clerk.

.....,

(Signature of holder.)

Witness,

Agent.

COUPON No. 3. HUNTER'S LICENSE No. -----

Issued by the clerk ofcounty, Michigan, on
, 189....

This coupon authorizes any person named in said license to
 ship one deer, or part thereof, to any point in Michigan but this
 coupon must accompany it.

.....,

Clerk.

.....,

(Signature of holder.)

Witness,

Agent.

COUPON No. 2. HUNTER'S LICENSE No. -----

Issued by the clerk ofcounty, Michigan, on
, 189....

This coupon authorizes any person named in said license to ship one deer, or part thereof, to any point in Michigan but this coupon must accompany it.

.....

Clerk.

.....,

(Signature of holder.)

Witness,

Agent.

COUPON No. 1. HUNTER'S LICENSE No. -----

Issued by the clerk ofcounty, Michigan, on
, 189....

This coupon authorizes any person named in said license to ship one deer, or part thereof, to any point in Michigan but this coupon must accompany it.

.....,

Clerk.

.....,

(Signature of holder.)

Witness,

Agent.

(STUB.)

Hunter's License No. :
 County of, Mich. :
 Date of Issue, 189 :
 Issued to :
 Residence :
 P. O. Address :
 Age :
 Color of eyes :
 Color of hair :
 Amount received, \$:

SEC. 9. It shall not be lawful for any railroad company, express company, boat or other transportation company to transport any deer or part of a deer from one place to another in this State unless the shipper shall produce his license as provided in this act and sign and detach one coupon therefrom and attach the same to such deer or part thereof offered for shipment, in the presence of the shipping agent, and if he cannot write he shall sign by his mark, which agent shall sign

Transportation, conditions of.

such coupon as a witness and such coupon shall accompany said deer or part thereof to its destination.

Penalty for refusal to exhibit license.

SEC. 10. Any person found hunting any deer protected by the laws of this State with any kind of firearms and who shall refuse to show his license herein provided for, to any sheriff, deputy sheriff, constable, game warden, deputy game warden or county game warden, on demand, shall be deemed and held to be guilty of violating the provisions of this section, in addition to violating any of the other provisions of this act, and may be fined upon conviction for such refusal as provided in section twelve of this act.

Violations of act defined.

SEC. 11. Any person who shall procure a license under the provisions of this act by false swearing shall be guilty of perjury and any person who shall by fraud or false statements of any kind or any person who shall attempt to or use the license of another or any person who shall loan or knowingly permit another to use his license or any person who shall use any coupon more than once or who shall remove or wilfully destroy any coupon while attached to a deer or part thereof until after it reaches its destination shall be deemed to have violated the provisions of this act. And any county clerk who shall issue a license under the provisions of this act without receiving the amount of money herein provided therefor or who shall refuse or neglect to pay over any money received for his services as herein required shall be guilty of violating the provisions of this act and shall be personally liable for the amount of money he should have collected for such license.

Penalty.

SEC. 12. Any person or persons violating any of the provisions of this act shall upon conviction thereof be punished by a fine not exceeding one hundred and twenty-five dollars and costs of prosecution or by imprisonment in the county jail not exceeding one hundred days or both such fine and imprisonment, in the discretion of the court, and the court shall sentence the offender to be confined in the county jail until such fine and costs are paid for any period not exceeding one hundred days and in all cases where a fine and imprisonment is imposed, the sentence shall provide that if the fine and costs are not paid at the time such imprisonment expires, the person serving out such sentence shall be further detained in jail until such fine and costs are paid, for any period stated: *Provided*, That the whole term of such imprisonment shall not exceed six months.

Acts repealed.

SEC. 13. All acts or parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed.

Approved June 2, 1897.

[No. 269.]

AN ACT to provide for the incorporation of companies for the manufacture or production of flax fibre.

SECTION 1. *The People of the State of Michigan enact, That* any number of persons not less than three, desiring to become incorporated for the purpose of manufacturing or producing flax fibre may, by complying with all the provisions of act number two hundred and thirty-two of the session laws of eighteen hundred and eighty-five entitled "An act to revise the laws providing for the incorporation of all manufacturing companies, except such as are contemplated by act number forty-five of the session laws of eighteen hundred sixty-seven, which provides for the incorporation of persons or corporations engaged in the manufacture of salt and mercantile companies or any union of the two, and to fix the duties and liabilities of such corporations," and acts amendatory thereof, with their successors and assigns become a body politic and corporate with all the powers, duties and liabilities of corporations organized under the act above mentioned: *Provided, however,* The capital stock of such corporation may be not less than one thousand dollars, and the par value of the shares not less than five nor more than ten dollars each.

Number who
may incor-
porate.

Act may in-
corporate
under.

Corporate
powers.

Par value of
shares.

This act is ordered to take immediate effect.

Approved June 2, 1897.

[No. 270.]

AN ACT to provide for having printed the report of the board of World's Fair managers for the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* the Board of Auditors are hereby authorized and empowered to have printed the report of the board of World's Fair managers, or such parts thereof as they think best, the expense of the same to be paid from the general fund, not to exceed one thousand dollars (\$1,000).

Board of State
Auditors to
print.

Appropriation.

Approved June 2, 1897.

[No. 271.]

AN ACT to amend section five (5) of act one hundred forty-eight (148) of the public acts of eighteen hundred and seventy-three (1873), entitled "An act relating to the accounting for money received and expended by certain officers," being compiler's section three hundred sixty-nine (369) of chapter twelve (12), Howell's annotated statutes.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact, That</i> section five (5) of act one hundred forty-eight (148) of the public acts of eighteen hundred and seventy-three (1873), entitled "An act relating to the accounting for money received and expended by certain officers," being compiler's section three hundred sixty-nine (369) of chapter twelve (12), Howell's annotated statutes.
Money appropriated for State institutions, how drawn.	SEC. 5. Money appropriated by any act of the legislature for the use or benefit of any State educational, charitable, reformatory or penal institution, or to be disbursed by any officer, may be drawn from the State treasury upon the warrant of the Auditor General, as follows, viz.: Under appropriations for current expenses monthly for <i>pro rata</i> amounts: <i>Provided,</i> That all educational and other institutions having annual vacations, may draw from the State treasury monthly for equal tenths of the annual appropriation in such months as will best suit the requirements of each of this class of institutions; and under appropriations for purposes other than current expenses, at such intervals and for such amounts as may best meet the purposes of such appropriations; but at no time shall an amount be in excess of the amount necessary for the current month as shown by the requisition of the proper officer or board, to be made in writing and under oath; and the Auditor General is hereby prohibited from drawing his warrant until itemized vouchers showing quantities, prices per unit and totals for all material, labor or services covered by the disbursements of money previously drawn for either current expenses or building and special purposes, whether the money thus disbursed be received from the State treasury or from some other source or sources, shall be presented, examined and audited as provided in section three (3) of this act: <i>Provided, however,</i> That the words "covered by the disbursements of money previously drawn" shall be so construed as to leave a reasonable working balance in disbursing officers' hands for immediate use. Money applicable to current expense for any specified year, whether from direct appropriation or from other sources, can be used only for the expenses of the year specified in the appropriation act, or the year in which receipts from the said "other sources" become available. All current expense disbursements made after the close of the appropriation year from funds of the preceding year must be accompanied by a
Proviso as to amounts.	
Auditor General not to issue warrant for money until when.	
Proviso as to construction of certain words.	
Current expense money used only, when.	

statement under oath from the proper officer or board that they were for expenses incurred for the preceding appropriation year. Current expense money for the preceding appropriation year in the hands of any disbursing officer, or board, of any of the State institutions, or boards, on June fifteenth, of any year, shall be immediately forwarded to the State Treasurer, and the same shall be covered into the State treasury upon the books of the Auditor General, as provided in section three hundred sixty-one Howell's annotated statutes. The general distinction between appropriations for "current expenses" and for "purposes other than current expenses" as used in this section shall be understood to be that disbursements under the head of "purposes other than current expenses" are limited to the exact amounts and purposes specified in the act of appropriation; while the purposes for which disbursements under the head of "current expenses" may be made, are determined by estimates of the several officers, or boards, upon which said appropriations were based; and for this purpose the several officers, or boards, shall file with the Auditor General a copy of such estimate: *Provided*, Distinction between certain funds. That when appropriations are made for current expenses, or general purposes, where no itemized estimates were furnished as a basis therefor, then the class of disbursements shall be determined by the officer, or board of the institution making them, and if the same shall appear to the Auditor General to be within the range of reasonable purposes he shall approve the account. The provisions of this section shall become operative July first, eighteen hundred and ninety-seven, and the Auditor General shall notify the several institutions or boards of such modifications of past methods as are necessary to meet its requirements, in time to have the accounting for the fiscal year commencing July first, eighteen hundred and ninety-seven, conform thereto: *Provided*, Proviso. Nothing in this section shall be construed as prohibiting the completion of buildings or other special improvements, under contract at the time this act shall take effect, in accordance with the methods of accounting adopted in the several instances. Section to become operative, when. Proviso as to completion of buildings, etc

Approved June 2, 1897.

[No. 272.]

AN ACT providing for the support and maintenance of the Michigan College of Mines at Houghton, Michigan, for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, and for the refitting and the further equipment of the said school, including an assaying building and the equipment thereof, and making an appropriation therefor.

Amount of appropriation. **SECTION 1.** *The People of the State of Michigan enact,* That the sum of eighty-five thousand dollars be, and the same is hereby appropriated from the general fund in the State treasury not otherwise appropriated, for the Michigan College of Mines at Houghton, to be expended under the direction of the board of control of said school as hereinafter specified; and

How drawn. the money for payments under this act shall be drawn from the State treasury on the requisitions by said board of control signed by the president and secretary thereof, which shall be presented to the Auditor General, who shall draw his warrants on the State Treasurer therefor.

Assay building. **SEC. 2.** The sum of five thousand dollars of the amount named in section one of this act shall be used to erect an assay building and for equipments.

Amount to be used in 1897 and 1898. **SEC. 3.** The sum of eighty thousand dollars of the amount named in section one of this act shall be used for the support and maintenance of said College of Mines for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight.

When may be drawn. **SEC. 4.** The said board of control is hereby authorized at any time during the year eighteen hundred and ninety-seven or thereafter, by requisitions, signed by the president and secretary thereof, to draw from the general fund of the State treasury the amount of money named in section one of this act at such time and in such amounts as they shall deem necessary for use in the construction of an assay building and for equipment, and in a like manner to draw from time to time, as the same may be needed during the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, for the support and maintenance of said school, the money named in section one of this act.

Auditor General to incorporate in State tax. **SEC. 5.** The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-seven the sum of forty-five thousand dollars, and for the year eighteen hundred and ninety-eight the sum of forty thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section one of this act.

This act is ordered to take immediate effect.
Approved June 2, 1897.

[No. 273.]

AN ACT for the protection of fish in the lake known as Pentwater lake situated in the township of Pentwater, county of Oceana, State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That hereafter it shall not be lawful to catch, kill or destroy fish with seines or any species of continuous net or with any form of spear or trap or in any manner whatsoever except with hook and line in the waters of Pentwater lake, in the township of Pentwater, county of Oceana, or in the channel leading from said Pentwater lake to Lake Michigan. Unlawful to catch or destroy except with hook and line.

SEC. 2. Any person violating any of the provisions of section one of this act shall be deemed guilty of a misdemeanor and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not to exceed one hundred dollars or imprisonment in the county jail for a period not exceeding ninety days or by both such fine and imprisonment in the discretion of the court. Penalty.

This act is ordered to take immediate effect.

Approved February 11, 1897.

[No. 274.]

AN ACT to repeal act number one hundred (100) of the public acts of eighteen hundred and ninety-three (1893), entitled "An act making it a misdemeanor to take fish from the waters of Diamond lake in Cass county, during the months of December, January, February and March, excepting by certain prescribed means, and to prescribe penalties for the violation of this act."

SECTION 1. *The People of the State of Michigan enact*, That all of act number one hundred (100) of the session laws of eighteen hundred and ninety-three (1893), entitled "An act making it a misdemeanor to take fish from the waters of Diamond lake in Cass county during the months of December, January, February and March, excepting by certain prescribed means, and to prescribe penalties for violations of this act, be, and the same is hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved February 26, 1897.

[No. 275.]

AN ACT to amend act number one hundred and twenty of the public acts of eighteen hundred and ninety-five, entitled, "An act to prevent the spearing of fish in the waters of Long lake in Genesee county."

Act amended. SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and twenty of the public acts of eighteen hundred and ninety-five, entitled, "An act to prevent the spearing of fish in the waters of Long lake in Genesee county," be, and the same is hereby amended so as to read:

Unlawfu to spear fish in Long lake. SECTION 1. That it shall be unlawful for any person to spear any fish in the waters of Long lake in Genesee county, or take them by any other device, except between the first day of May and the first day of October of each year, and then during said time only with a hook and line.

Penalty for violation of act. SEC. 2. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be fined a sum not exceeding thirty dollars or thirty days' imprisonment in the county jail, or both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved March 11, 1897.

[No. 276.]

AN ACT to provide for the preservation of deer in Monroe county and providing a penalty for their destruction.

Unlawful to kill or destroy deer in Monroe county. SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person to kill or destroy any deer in the county of Monroe for the period of five years from and after November first, eighteen hundred ninety-seven.

Penalty. SEC. 2. Every person killing or destroying any deer in said county during said period shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of fifty dollars and costs of suit, or by imprisonment in the county jail for a period not exceeding ninety days, or both, at the discretion of the court.

Approved March 18, 1897.

[No. 277.]

AN ACT to define the limits of Wild Fowl bay, and to prohibit fishing with nets within such limits.

SECTION 1. *The People of the State of Michigan enact, That* fishing with nets in Wild Fowl bay is prohibited. Fishing with nets prohibited.

SEC. 2. Wild Fowl bay embraces the waters within the following lines: Beginning at the west end of Point Charities, at the west portion of section eleven, in township seventeen north of range nine east, run thence southwesterly west of North island, Heisterman island, and Maisou island, so-called, to a point in the bay west of the south line of section twenty-one in township sixteen north of range nine east, thence by a right angle east to the shore; thence northerly and westerly along the shore to Point Charities, taken as the place of beginning. Boundaries of Wild Fowl Bay.

SEC. 3. The taking of minnows and other small fish, for bait, with nets, shall not be considered a violation of this act. Small fish for bait may be taken.

SEC. 4. Any person violating the provisions of this act shall, on conviction thereof, be adjudged guilty of a misdemeanor and pay a fine of not less than five dollars nor more than fifty dollars for each offence, and shall also be liable to imprisonment in the county jail for a term not exceeding twenty days, in the discretion of the court. Penalty.

This act is ordered to take immediate effect.

Approved March 26, 1897.

[No. 278.]

AN ACT to amend section two of act number three hundred and eighty-nine, session laws of eighteen hundred and seventy-three, entitled "An act to prevent the destruction of fish in Reed's lake and Fisk's lake, in the township of Grand Rapids in the county of Kent."

SECTION 1. *The People of the State of Michigan enact, That* section two, of act number three hundred and eighty-nine of the session laws of eighteen hundred and seventy-three, entitled "An act to prevent the destruction of fish in Reed's lake and Fisk's lake, in the township of Grand Rapids in the county of Kent," be amended so as to read as follows: Section amended.

SEC. 2. It shall not be lawful to fish in Reed's lake or Fisk's lake, or either of them in any manner, or to take and remove When unlawful to fish in Reed's or Fisk's lake.

any fish therefrom in any manner, at any time during the months of October, November, December, January, February, March and April in any year.
This act is ordered to take immediate effect.
Approved March 31, 1897.

[No. 279.]

AN ACT to regulate the spearing and taking of fish by net in Clinton river and its tributaries, in the county of Macomb.

Certain fish may be taken with spear or dip net.

Proviso as to size of net.

Penalty.

Repealing clause.

SECTION 1. *The People of the State of Michigan enact*, That hereafter it shall be lawful to take, catch or kill suckers, mullet, reddsides and grass pike (commonly called pickerel), by the use of spear or dip net, in the Clinton river and its tributaries in the county of Macomb: *Provided*, That no dip net shall be used which is more than twelve feet square.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be liable to a fine not exceeding ten dollars and costs of suit or by imprisonment in the county jail not exceeding twenty days or both in the discretion of the court.

SEC. 3. All acts or parts of acts in anywise contravening any of the provisions of this act are hereby repealed.
This act is ordered to take immediate effect.
Approved April 1, 1897.

[No. 280.]

AN ACT to regulate the catching of fish in the lake known as Camp Lake in the township of Algoma in Kent county.

Unlawful to fish in Camp lake.

Penalty.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful to catch, kill or destroy with seines, or with any continuous nets, or with any form of spears, or with any description of firearms, in the inland lake known as Camp lake in Algoma township in Kent county.

SEC. 2. Any person offending against any of the provisions of this act shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine of not over one hundred dollars, or to imprisonment in the county jail of Kent county not exceeding sixty days.
Approved April 16, 1897.

[No. 281.]

AN ACT to amend section three of act number two hundred of the public acts of eighteen hundred and ninety-five, entitled "An act for the protection of fish in the Saginaw river and its tributaries, and to repeal act number thirty-one of the public acts of eighteen hundred and ninety-three."

SECTION 1. *The People of the State of Michigan enact, That* section three of act number two hundred of the public acts of eighteen hundred and ninety-five, entitled, "An act for the protection of fish in the Saginaw river and its tributaries, and to repeal act number thirty-one of the public acts of eighteen hundred and ninety-three," be amended so as to read as follows: Section amended.

SEC. 3. It shall not be lawful for any person or persons to set, use or place any pound, trap, stake, gill or set nets or seines, or any device of any kind for taking fish in the waters of the Saginaw river from the fifteenth day of April to the first day of November in each year. Unlawful to use nets in Saginaw river during certain months.

Approved April 22, 1897.

[No. 282.]

AN ACT to provide for the protection of rabbits in Wayne county.

SECTION 1. *The People of the State of Michigan enact, That* it shall hereafter be unlawful for any person or persons to use a ferret for the purpose of hunting or killing rabbits in the county of Wayne in this State. Ferret not to be used.

SEC. 2. A violation of this act shall be punished by a fine of five dollars and costs of prosecution, or imprisonment, until such fine is paid, not exceeding ten days. Penalty.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 283.]

AN ACT to regulate the hunting of wild ducks and other wild water fowl in the public waters of Lake Erie within this State, and providing a penalty for violations of the provisions of this act.

SECTION 1. *The People of the State of Michigan enact, That* it shall be unlawful for any person or persons to wilfully scare or drive wild ducks or other wild water fowl, or cause the same Penalty for interference with legal hunters, etc.

to be done, from any person lawfully hunting the same on the public waters of that part of Lake Erie within the State of Michigan, for the purpose of depriving or attempting to deprive such person of any or all of his opportunities of shooting or hunting such wild ducks or other wild water fowl, and every person so offending, upon conviction, shall pay a penalty of twenty dollars and costs of suit, which penalty shall be recovered by action brought by the prosecuting attorney of the county where the penalty is incurred, in the name of the people of the State of Michigan: *Provided*, Nothing herein contained shall be deemed to detract from the public right of passage over such waters in the ordinary course of navigation.

Disposition
of fines.

SEC. 2. All sums recovered by virtue of this act shall be turned into the county treasury.

Approved May 7, 1897.

[No. 284.]

AN ACT to amend section one of an act, entitled "An act to prohibit the catching of fish with seines, gill nets, or any form of pound or trap nets in the channels known as Les Cheneaux Channels, or in the entrances thereto, except that portion lying east of the east line of section thirty-four, town forty-two north of range one east," being act number seventy of the session laws of eighteen hundred and eighty-nine, section one, and section two thousand one hundred and ninety-four o of Howell's annotated statutes of Michigan, volume three supplement.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act, entitled "An act to prohibit the catching of fish with seines, gill nets, or any form of pound or trap nets in the channels known as Les Cheneaux Channels, or in the entrances thereto, except that portion lying east of the east line of section thirty-four, town forty-two north of range one east," being act number seventy of the session laws of eighteen hundred and eighty-nine, section one, and section two thousand one hundred and ninety-four o of Howell's annotated statutes of Michigan, volume three, supplement, be and the same is hereby amended so as to read as follows:

Unlawful to
use certain
nets in chan-
nels of Les
Cheneaux
islands.

SECTION 1. That it shall be unlawful hereafter to fish with seines, gill nets, or any form of pound or trap nets, in the channels known as the Les Cheneaux Channels, in Mackinaw county, or in the entrances thereto, except that portion lying east of the east line of section thirty-four, of town forty-two north, range one east, said line running north and south:

Provided, That it shall be lawful to use, in said waters, nets or seines of not less than one-fourth inch mesh, and of dimensions not greater than thirty feet in length and five feet in width, to catch chub and shiners for minnow bait, for use with rod and line, or hand line only, by the person catching the same, or for his use, and not to be used for sale, nor kept in any box, trap or pail, in other than fresh water, until used: *Provided further*, That it shall not be unlawful to catch chubs or shiners for bait in any waters of the State that have not been stocked with trout by the State Fish Commission.

Proviso as to
nets to catch
bait.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 285.]

AN ACT to provide for the lawful taking of German carp from the waters of Black River lake, also known as Macatawa bay, in Ottawa county, and from the streams tributary thereto.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful at all times to take German carp from the waters of Black River lake, also known as Macatawa bay, in the county of Ottawa and from the streams tributary thereto, by means of nets, or in any other manner not destructive to other kinds of fish: *Provided*, That the taking of said German carp from said waters shall be done only by permission and under the supervision of the local game warden, whose duty it shall be to allow the taking of said German carp from said waters in such manner as not to destroy other kinds of food fish protected under the laws of this State from being taken with nets or in other ways prohibited by law.

Lawful to
take German
carp in cer-
tain waters.

Proviso as to
permission of
game warden.

This act is ordered to take immediate effect.

Approved May 13, 1897.

[No. 286.]

AN ACT to permit the spearing of white fish and herring in Portage and Little Portage lakes in the counties of Livingston and Washtenaw, in the State of Michigan, at certain seasons of the year.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any person or persons to spear whitefish and herring, commonly called and known in the inland lakes

Lawful to
spear white-
fish and her-
ring in cer-
tain lakes.

as Pilot fish, in Portage and Little Portage lakes in the counties of Livingston and Washtenaw in this State, from the fifteenth day of October until the first day of December in each year.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 287.]

AN ACT to regulate the catching of speckled trout and grayling in Maple river, in Center, Eggleston and Maple River townships in Emmet county.

Nature and manner in which not lawful to fish.

SECTION 1. *The People of the State of Michigan enact*, That no person shall catch or take from Maple river, in the townships of Center, Eggleston and Maple River in Emmet county, by any means whatever, any speckled trout or grayling from the first day of August in each year until the first day of May following thereafter.

Misdemeanor.

SEC. 2. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not to exceed twenty-five dollars and costs of suit, or imprisonment in the county jail not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court.

Penalty.

Evidence of violation of act.

SEC. 3. In all prosecutions under this act it shall be *prima facie* evidence on the part of the people of the violation of the provisions of this act, to show that the defendant was found upon the waters or upon the bank of said river with rod and line, net, trap-net or other appliances for taking or catching fish.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 288.]

AN ACT to provide for the erection and maintenance of ladders for the passage of fish through the dams across the Shiawassee river and its tributaries in the counties of Saginaw and Shiawassee; the Raisin river in the counties of Monroe, Washtenaw, Jackson and Lenawee; the Huron river and its tributaries in the counties of Wayne and Monroe; the Maple river in the town of DuPlain, Clinton county; to provide a penalty for violations of the provisions of this act, and to repeal all acts and parts of acts contravening the provisions of this act.

SECTION 1. *The People of the State of Michigan enact*, That there shall be constructed and maintained in each dam now existing, or which may hereafter be constructed, across the Shiawassee river or its tributaries in the counties of Shiawassee and Saginaw; the Raisin river in the counties of Monroe, Washtenaw, Jackson and Lenawee; the Huron river and its tributaries in the counties of Wayne and Monroe; the Maple river in the town of DuPlain, Clinton county, in this State, sufficient and permanent fish ladders to admit of the free and uninterrupted passage of fish over such dam or dams during the months of March, April and May in each and every year; such fish ladders shall be put in or provided for such dam or dams by the owner or occupant thereof in such manner as shall be prescribed by the Board of Fish Commissioners of this State.

Fish ladders
in what
streams to be
constructed.

SEC. 2. In respect to the construction and maintenance of fish ladders over any dam or dams across the said Shiawassee river or its tributaries, the Raisin river, the Huron river and its tributaries, and the Maple river, owned by any firm, corporation, company, person or persons, the duties and liabilities imposed by this act shall devolve and be imposed upon the president, secretary or agent of such firm, corporation, company, person or persons. The expense of the construction and maintenance of such fish ladder shall be certified by the State Game and Fish Warden, and audited by the board of supervisors in the county in which said ladder was built, and be paid out of any money belonging to the general fund of the county not otherwise appropriated. The Game and Fish Warden of this State is hereby made inspector of dams across the Shiawassee river and its tributaries, the Raisin river, the Huron river and its tributaries, and the Maple river, and it shall be his duty to prosecute in the name of the people, with the aid of the prosecuting attorney of any county, in all cases where the provisions of this law are not complied with.

Who to con-
struct dam.

State Game
and Fish
Warden to
certify
expense.

To inspect
dams.

SEC. 3. If the owner or occupant, or any firm, corporation, company, person or persons using or enjoying the use of any dam or dams across the said Shiawassee river or its tributaries, the River Raisin, the Huron river and its tributaries, and the Maple river, which is now built or which may be built hereafter, shall fail to comply with all the provisions of this act with respect to construction and maintenance in good repair of such fish ladders in any such dam or dams after being notified in writing by the said Game and Fish Warden to construct the same, he or they shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed fifty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court. In case the owner or occupant of any dam shall fail to construct a fish ladder as provided in this act the Game and Fish Warden shall cause to be constructed a suitable fish ladder, as provided for by section one of this act, at such place in the dam as will cause the least injury to the

Penalty for
failure to
construct fish
ladders.

Game and
Fish Warden
to construct
ladder, when.

water power; and the expense of the construction of such fish ladder shall be certified by the State Game and Fish Warden and audited by the board of supervisors in the county in which said service was rendered, and be paid out of any money belonging to the general fund of the county not otherwise appropriated: *Provided*, That the provisions of this act requiring the maintenance of fish ladders shall not apply in seasons, or parts of seasons, of extreme drouth.

Acts repealed. SEC. 4. All acts or parts of acts contravening the provisions of this act be and the same are hereby repealed.

Approved June 4, 1897.

[No. 289.]

AN ACT to amend section two of act number two hundred of the public acts of Michigan, eighteen hundred and ninety-five, entitled "An act for the protection of fish in the Saginaw river and its tributaries, and to repeal act number thirty-one of the public acts of eighteen hundred and ninety-three."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number two hundred of the public acts of eighteen hundred and ninety-five, entitled "An act for the protection of fish in the Saginaw river and its tributaries, and to repeal act number thirty-one of the public acts of eighteen hundred and ninety-three," is hereby amended so as to read as follows:

Unlawful to fish in the tributaries of the Saginaw river. Proviso.

SEC. 2. It shall not be lawful for any person or persons to set, place or use any pound, trap, stake, gill or set nets or seines, of any kind for taking fish in any of the tributaries of the Saginaw river: *Provided*, That suckers, dog fish, bullheads and reddsides may be taken with hand dip nets in any of the tributaries of the Saginaw river from March fifteenth to May fifteenth in each year.

This act is ordered to take immediate effect.

Approved March 31, 1897.

JOINT RESOLUTIONS, 1897.

[No. 1.]

JOINT RESOLUTION proposing an amendment to section one, article nine, of the constitution of this State relative to the salary of the Attorney General.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment to section one of article nine of the constitution of this State be and the same is hereby proposed, to read as follows:

SECTION 1. The Governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the Attorney General shall receive an annual salary of three thousand five hundred dollars, and he shall reside during his term of office, in the city of Lansing, and in person attend to the duties of his office; the Secretary of State shall receive an annual salary of eight hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Commissioner of the State Land Office shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase the salaries herein provided.

Be it further resolved, That said amendment shall be submitted to the people of the State of Michigan at the next spring election, on the first Monday of April, in the year one thousand eight hundred and ninety-seven, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State the time prior to said election required by law, and the said sheriffs are hereby required to give the several notices required by law. Each person voting for said amendment shall have written or printed on his ballot, as then provided by law, the words "Amendment to the constitution relative to the salary of the Attorney General—Yes," and each person voting against said amendment shall have on his ballot in like manner, "Amendment to the constitution relative to the salary of the Attorney General—No." The ballots shall in all respects be canvassed and returns made as in general elections of State officers.

This joint resolution is ordered to take immediate effect.

[No. 2.]

JOINT RESOLUTION to allow members of the board of supervisors of Newaygo county compensation for time spent in extra session in investigating the books and general financial condition of said county and the disappearance from the clerk's office of certain records and files.

WHEREAS, The board of supervisors of the county of Newaygo was, on the twenty-eighth day of July, A. D. eighteen hundred ninety-six, convened in extra session for the purpose of investigating the books and general financial condition of said county and the disappearance from the clerk's office of certain records and files, and

WHEREAS, The compensation of members of the boards of supervisors in the several counties of this State, for time spent in special session, is, by section five hundred two of Howell's statutes, limited to three days; and

WHEREAS, It was necessary to the proper investigation of the matter aforesaid, that said special session continue for a sufficient time to allow a full examination and consideration of the matters being investigated as aforesaid; and

WHEREAS, The special session aforesaid, did continue for ten days; therefore, be it

Resolved by the Senate and House of Representatives, That the members of the board of supervisors of the county of Newaygo be, and they are hereby authorized and allowed to receive compensation at the rate provided by law, to be paid in the matter provided by law, for the seven days actually and necessarily spent in the investigation of the matter aforesaid.

This resolution is ordered to take immediate effect.

Approved February 18, 1897.

[No. 3.]

JOINT RESOLUTION to amend section ten of article ten, of the constitution of the State of Michigan, so as to provide for a board of county auditors for the county of Kent.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of the State of Michigan be and the same is hereby proposed and submitted to the people of this State, that is to say, that section ten of article ten of said constitution be amended so as to read as follows:

SEC. 10. The board of supervisors, or, in the county of Wayne and in the county of Kent, the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against their respective counties, and the sum so fixed or defined shall be subject to no appeal.

And be it further resolved, That said amendment shall be submitted to the people of this State at the election to be held on the first Monday in April in the year one thousand eight hundred and ninety-seven, and that the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State, at least twenty days prior to such election, and the said sheriffs shall be required to give notice to the several townships, the same as for the election of justices of the Supreme Court, and the said amendment shall be printed upon the official ballot used at such election as provided by law, as follows: "Amendment to the constitution to provide for a board of auditors for Kent county—Yes []; No []." All votes cast therefor shall be counted, canvassed and returned as for the election of a justice of the Supreme Court of this State.

This joint resolution is ordered to take immediate effect.

[No. 4.]

JOINT RESOLUTION authorizing the township board of the township of Delhi, in the county of Ingham, to settle with Simon Diehl, former treasurer of said township, for moneys received by him as such treasurer, for the years eighteen hundred ninety-two and eighteen hundred ninety-three, by him deposited in the Central Michigan Savings Bank of Lansing, Michigan.

WHEREAS, Simon Diehl was duly elected treasurer of the township of Delhi and county of Ingham, and State of Michigan, at the township meetings of said township for the years eighteen hundred ninety-two and eighteen hundred ninety-three, and entered upon the discharge of the duties of said office; and

WHEREAS, The said Simon Diehl deposited the moneys of said township in the Central Michigan Savings Bank of Lansing, Michigan, in accordance with the custom of treasurers of said township; and

WHEREAS, Said bank became insolvent and closed its doors on the eighteenth day of April, A. D. eighteen hundred ninety-three, and was placed in the hands of a receiver under the general laws of the State, and will not be able to pay its depositors in full; and

WHEREAS, There was on deposit at the time of such bank's becoming insolvent, the sum of twelve hundred and ten (\$1,210.00) dollars, of the moneys of said township, to the credit of said Simon Diehl; and

WHEREAS, The said Simon Diehl deposited said moneys in good faith, and has received and paid over to his successor in office, all dividends declared by said receiver, and is willing to pay over all further dividends that may be declared, and desires to be relieved from loss in consequence of such bank failure, therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the township board of said township be and they are hereby authorized and empowered to accept from said Simon Diehl in

full settlement of the balance due from him as such treasurer, on account of said deposit, the dividends that have been declared and paid over by him, and that may hereafter be declared by the receiver of said bank in full settlement and discharge of the account of said township against said Simon Diehl as treasurer as aforesaid.

This joint resolution is ordered to take immediate effect.

Approved March 1, 1897.

[No. 5.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to revive part paid primary school land certificate number nine thousand nine hundred and seventy-six, issued to Edgar O. Whitman of Newaygo county, June tenth, eighteen hundred and sixty-nine, and authorizing the Commissioner of the State Land Office to issue a duplicate certificate to said Edgar O. Whitman, numbered nine thousand nine hundred and seventy-six.

WHEREAS, On the tenth day of June, eighteen hundred and sixty-nine, the Commissioner of the State Land Office issued to Edgar O. Whitman a part paid primary school land certificate numbered nine thousand nine hundred and seventy-six, covering the southeast quarter of the southwest quarter of section sixteen (16), township eleven (11) north, of range fourteen (14) west, and

WHEREAS, The said Edgar O. Whitman from the time said certificate was so issued to him has made valuable improvements on the land, and has occupied said land continuously and now occupies the same, and has never assigned the said certificate to any person, but by misunderstanding and inadvertance allowed the land to become forfeited to the State, and

WHEREAS, It further appears from affidavit on file in the State Land Commissioner's Office, that the original certificate number nine thousand nine hundred and seventy-six has been lost or destroyed; now therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be, and he is hereby authorized and empowered to revive said certificate number nine thousand nine hundred and seventy-six, together with all its provisions, and issue to the said Edgar O. Whitman a duplicate of said certificate number nine thousand nine hundred and seventy-six, on payment of the amount of interest, taxes and penalty due and to have been paid for the several years said land has been held under forfeiture; and further

Resolved, That upon payment being made as above required, such certificate numbered nine thousand nine hundred and seventy-six shall be in full force and effect as to all its provisions in all respects as though the same had not therefore been forfeited.

This joint resolution is ordered to take immediate effect.

Approved March 12, 1897.

[No. 6.]

JOINT RESOLUTION to provide for restoring Fort Mackinac to the United States.

WHEREAS, The State of Michigan has the largest and most exposed line of coast on all the great lakes parallel to the British possessions, and is the most exposed to invasion of foreign war, and

WHEREAS, The Island of Mackinac in the Straits of Mackinac has always been deemed of great military importance, and has from the earliest times to eighteen hundred and ninety-five, been a Federal post, and

WHEREAS, The people of the State of Michigan deem it of the greatest importance that Fort Mackinac should be restored and regarrisoned by the Federal government,

Resolved, That the Mackinac Island State Park Commission are hereby authorized to convey back to the United States, Fort Mackinac including four hundred yards of territory from the fort flag-staff north, south, east and west. The fort and lands hereby conveyed is the original military reservation set apart for Fort Mackinac from the National park, by act of congress, March three, eighteen hundred and seventy-five;

Resolved, That the said commission are hereby requested to notify the secretary of war that the State of Michigan is ready to convey the title to said Fort Mackinac reservation to the United States, at such time as the United States will accept and regarrison the same.

This joint resolution takes immediate effect.

Approved April 28, 1897.

[No. 7.]

JOINT RESOLUTION authorizing the payment to the county of Kent of moneys expended for Henry O. Baker, an indigent insane soldier, at the Kalamazoo asylum.

WHEREAS, Henry O. Baker was admitted to the Michigan Soldiers' Home on July twenty-third, eighteen hundred and ninety-one, and while an inmate of said Home was on the twentieth day of March, eighteen hundred and ninety-four, adjudged insane by the probate court of Kent county, and committed to the asylum for the insane at Kalamazoo as an indigent insane person and the county of Kent paid to said asylum for his support and maintenance there and his transportation to said asylum, two hundred seventy-nine and seventy one-hundredths dollars; and

WHEREAS, The State of Michigan assumed the expense of insane inmates to said Home at the asylum except for a short period and is now by the statute required to pay the expense and maintenance of inmates of said Home admitted to the Insane Asylum; and

WHEREAS, The State of Michigan receives from the general government the sum of one hundred dollars per year for each inmate of said Soldiers Home, not only while an actual inmate of said Home but also while in the asylum if adjudged insane; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized and directed to cause to be paid to the treasurer of the county of Kent the sum of two hundred seventy-nine and seventy one-hundredths dollars, to be paid out of the State treasury.

Approved April 9, 1897.

[No. 8.]

JOINT RESOLUTION for the relief of Mrs. Margaret Heimes of Calumet, Michigan, on account of the death of her son while in the active discharge of military duty.

WHEREAS, Joseph Heimes of Company D, Fifth Infantry, Michigan National Guard, who was the principal support of his widowed mother, was killed September fifth, eighteen hundred and ninety-five, by one of the falling trees uprooted by the tornado which swept over the camp of the military guard established at Ishpeming at that time; therefore

Be it Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and empowered to investigate, adjust and settle the claim of Mrs. Margaret Heimes and allow her a sum not exceeding three thousand dollars (\$3,000).

This joint resolution is ordered to take immediate effect.

Approved April 28, 1897.

[No. 9.]

JOINT RESOLUTION for the issue of a patent for certain primary school lands in Lapeer county to Elizabeth Buby.

WHEREAS, It appears by satisfactory proof that Franklin Emery did, on the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and fifty-six, purchase from the State of Michigan land certificate number six thousand five hundred and sixty-two for primary school land described as the northwest quarter of the southwest quarter of section number sixteen in township number nine north, of range twelve east, in Lapeer county, State of Michigan, which certificate issued by the Commissioner of the State Land Office to said Franklin Emery has by several assignments become the property of Elizabeth Buby;

WHEREAS, It appearing that the said Elizabeth Buby purchased said certificate in good faith and for a valuable consideration and has been in the quiet and peaceable possession and enjoyment of said premises for more than twenty-five years next preceding this date, and has made valuable improvements thereon, and paid all the taxes and all principal and interest due the State and it further appearing that the said Elizabeth Buby is equitably entitled to a patent on surrendering said certificate accompanied by the full payment of the principal and interest due the State for the same; and

WHEREAS, It satisfactorily appears that said Franklin Emery was killed at the battle of Fredericksburgh, Virginia, and that John C. Emery, his father, was the sole and lawful heir to said Franklin Emery's estate, and that said John C. Emery as such heir assigned said certificate to Herman Buby and he assigned the same to Allmon Gage and Allmon Gage assigned the same to Elizabeth Buby the present holder and owner; and

WHEREAS, No patent can issue to the said Elizabeth Buby on account of no proceedings having been taken in the probate court to determine that said John C. Emery was the sole and lawful heir to said Franklin Emery's estate and also on account of defects and irregularities in matters of form in the assignment of said certificate after it was issued to said Franklin Emery and before said Elizabeth Buby acquired the same which said assignment cannot now be corrected or perfected in consequence of the death of some of the assignors and the removal of others; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State be and he is hereby authorized to sign and cause to be issued to said Elizabeth Buby a patent for said land described in said certificate whenever the same shall be presented to him with the certificate of the Commissioner of the State Land Office that the principal and interest and all taxes and charges levied upon said land have been paid.

This act is ordered to take immediate effect.

Approved April 28, 1897.

[No. 10.]

JOINT RESOLUTION to designate and adopt a State flower.

WHEREAS, A refined sentiment seems to call for the adoption of a State flower; and

WHEREAS, Our blossoming apple trees add much to the beauty of our landscape, and Michigan apples have gained a worldwide reputation; and

WHEREAS, At least one of the most fragrant and beautiful flowered species of apple, the *pyrus coronaria*, is native to our State; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the apple blossom be and the same hereby is designated and adopted as the State flower of the State of Michigan.

Approved April 28, 1897.

[No. 11.]

JOINT RESOLUTION to authorize and instruct the Board of State Auditors to examine into, and if they deem it justifiable, to allow the claim of Alphonzo Button for injuries sustained by him from a premature discharge of a cannon while engaged in the regular performance of his duty as a member of the gun squad of the Curtenius Guard (an organized volunteer uniformed militia company, organized under the laws of the State of Michigan), at Mason, Michigan, on the third day of July, eighteen hundred and fifty-eight.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized and instructed to examine into the claim of Alphonzo Button for injuries sustained by him from a premature discharge of a cannon while engaged in the regular performance of his duty as a member of the Curtenius Guards (an organized volunteer uniformed militia company organized under the laws of the State of Michigan), at Mason, Michigan, on the third day of July, eighteen hundred and fifty-eight, and if they deem said claim justifiable to allow him a monthly compensation of twenty-five dollars until such monthly payments shall, in the aggregate, equal a sum to be fixed by said board not to exceed two thousand dollars: *Provided,* That compensation shall cease immediately on the death of said Button.

Resolved further, That when said board shall have ascertained and fixed the limit of compensation to be paid, if any, they shall draw their order monthly upon the State Treasurer for twenty-five dollars, payable to the order of said Alphonzo Button or until the monthly payments shall have reached the limit fixed by the said board, and it shall be the duty of said State Treasurer, upon the presentation of such orders, duly signed by the chairman of the Board of State Auditors and countersigned by the secretary of such board, to pay the same out of any moneys not otherwise appropriated.

This act is ordered to take immediate effect.

Approved May 7, 1897.

[No. 12.]

A JOINT RESOLUTION directing the Board of State Auditors to settle adjust and pay the claim of the Saginaw, Tuscola & Huron Railroad Company, against the State of Michigan, for freight paid by said company to the Michigan Central Railroad by the order and direction of the Board of World's Fair Managers for the State of Michigan.

WHEREAS, The Saginaw, Tuscola & Huron Railroad Company did, at the request of said Board of World's Fair Managers, furnished the stone for the foundation of the Michigan Building at said Fair, free of charge, delivered at Reese, Michigan, to the Michigan Central Railroad Company,

and did, by the request and direction of the said Board of World's Fair Managers, pay to the said Michigan Central Railroad Company the amount of said freight, namely: twelve dollars (\$12.00) so paid by them to the Michigan Central Railroad.

WHEREAS, The said Board of World's Fair Managers has failed and neglected to pay the said twelve dollars (\$12.00) for freight to the Michigan Central Railroad Company, so advanced and paid by the Saginaw, Tuscola & Huron Railroad aforesaid, has closed up its affairs and returned to the treasury of the State of Michigan, namely: twenty-three hundred dollars (\$2,300), from the sum appropriated by the State of Michigan, for the use of said board, and have disorganized and gone out of existence without paying the claim of said Saginaw, Tuscola & Huron Railroad Company, of twelve dollars (\$12.00) for freight paid to the Michigan Central Railroad, as aforesaid.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to investigate and examine said claim and determine as to the rightfulness thereof, and if said amount, or any part thereof, is justly and equitably due, and if on examination the facts herein stated are found to be true, the Board of State Auditors are authorized and empowered to draw their warrant in payment of said claim.

This joint resolution is ordered to take immediate effect.

Approved May 13, 1897.

[No. 13.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to sell certain State tax homestead lands to John Staley.

WHEREAS, One John Staley, a resident of the village of Grayling, Crawford county, became the purchaser of the following described lands, to wit:

The northeast one-quarter and the south one-half of the southwest one-quarter of section twelve (12), town twenty-six (26) north, range three (3) west, in the year eighteen hundred ninety-six; and

WHEREAS, John Staley purchased said lands for the purpose of setting out an experimental fruit orchard in that part of the State; and

WHEREAS, There was at the time said John Staley purchased said lands a large amount of delinquent taxes against said lands which said Staley intended to pay; and

WHEREAS, Unbeknown to the said Staley, said lands were examined in accordance with section one hundred and twenty-seven of act number two hundred and six of the public acts of eighteen hundred and ninety-three, and after said examination and report, were deeded by the Auditor General to the State of Michigan as State tax homestead lands subject only to be taken as homesteads, and when the said John Staley sent the money to the Auditor General to pay said taxes and redeem said lands, he was

informed by said Auditor General that said lands could not be so redeemed; and

WHEREAS, The said John Staley had caused a large amount of improvement to be made on said lands and a large number of fruit trees to be planted thereon and had not abandoned said lands; and

WHEREAS, The said John Staley is willing to pay all the taxes standing against said lands, to wit: Upwards of the sum of two hundred and sixty dollars; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be, and is hereby authorized, empowered, and directed to deed said lands to the said John Staley upon the payment by the said John Staley of all taxes, interest and charges standing against said land.

This joint resolution is ordered to take immediate effect.

Approved May 21, 1897.

[No. 14.]

JOINT RESOLUTION [for the relief of Alpena county.]

WHEREAS, The State Board of Equalization of the State of Michigan for the equalization of the assessments on all taxable property in the State, (except that property paying a specific tax) by mistake in the year one thousand eight hundred and ninety-one, assessed Alpena county and equalized it at six million dollars, when in fact said county should have been assessed and equalized at four million eight hundred and forty thousand seven hundred and thirty-nine dollars; that being the intention of the State Board of Equalization; and said mistake caused said county to be assessed and equalized one million one hundred and fifty-nine thousand two hundred and sixty-one dollars higher than the intention of board as aforesaid, and was caused by State Board of Equalization taking as the assessed value of real estate in said county as fixed by board of supervisors of county, the total assessed value of real estate and personal property as fixed by said board of supervisors, and adding thereto the assessed value of the personal property as fixed by board of supervisors of said county, thus adding twice the assessed value of the personal property, and by reason of said mistake there was assessed against said Alpena county an excess of taxes for the year eighteen hundred and ninety-one of one thousand four hundred and eighty-one dollars and twenty-four cents; and an excess of taxes for the year eighteen hundred and ninety-two of one thousand four hundred and fifty-five dollars and ninety-five cents; and an excess of taxes for the year eighteen hundred and ninety-three of one thousand nine hundred and eighty-one dollars and twenty-two cents; and an excess of taxes for the year eighteen hundred and ninety-four of one thousand seven hundred and thirty-two dollars and seven cents; and an excess of taxes for the year eighteen hundred and ninety-five of three thousand and ninety-two dollars and seven cents, making a total sum of excess of taxes for years mentioned of nine

thousand seven hundred and forty-three dollars and thirty-five cents, all of which was paid by said county before the mistake was discovered; and

WHEREAS, Said county, at once, on discovering the mistake, made application to the Auditor General for a refunding of the money so overcharged; and

WHEREAS, By reason of the fact that the money had already been paid into the State treasury, the Auditor General was without authority of law to refund the sums then legally and equitably due to the said Alpena county; therefore

Resolved by the House of Representatives (the Senate concurring), That the said Alpena county be authorized to present to the Board of State Auditors of the State of Michigan its claim for taxes so erroneously collected and assessed, and that the said Board of State Auditors on examining into the facts, if they find the same true, or any part thereof, as stated in the preamble of this resolution, and that the money or any part thereof, was assessed and equalized by mistake of the State Board of Equalization of the State of Michigan for the equalization of the assessments of all taxable property in the State, (except that property paying a specific tax,) and ought in equity and good conscience be returned to the said Alpena county, then in such case the said Board of State Auditors are authorized and directed to audit and allow such claim, or so much thereof as may be found to be owing to said Alpena county, and in such case the Auditor General is authorized and directed to credit to the county of Alpena upon its indebtedness to the State all sums found by said State Board of Auditors to be due the county of Alpena, and to draw his warrants upon the State Treasurer for any balance that may be found to be due said county of Alpena upon their account with the State; and be it further

Resolved, That the Attorney General be and hereby is requested to appear before the Board of State Auditors at the time of said hearing on behalf and in the interest of the State.

This joint resolution is ordered to take immediate effect.

Approved May 21, 1897.

[No. 15.]

JOINT RESOLUTION for the relief of Charles E. Gibbons by making him the legal heir of Thomas Davis and authorizing and directing the board of escheats to convey to said Charles E. Gibbons certain lands which belonged to Thomas Davis at the time of his death.

WHEREAS, Thomas Davis died on the thirty-first day of August, eighteen hundred and ninety-six, at the township of Elba, Lapeer county, Michigan, intestate, owning the north seventy-one and eleven one-hundredths acres of the northeast fractional quarter of section one, town seven north, range nine east, and then being a resident of said county of Lapeer, and leaving no widow, father, mother, brother nor sister, no issue

nor other lineal descendants, nor issue of brothers or sisters and no heirs; and

WHEREAS, Charles E. Gibbons had lived on said above described lands for about ten years last past and said Thomas Davis had lived with him thereon most of that time pursuant to an understanding and agreement between said Davis and said Gibbons that said Davis would make such disposition of his property that said real estate should become the property of said Gibbons on the death of said Davis; and

WHEREAS, Said Charles E. Gibbons, relying on said understanding and agreement, made valuable improvements upon said real estate; and

WHEREAS, Said Thomas Davis died suddenly and alone at the date above mentioned having made no disposition whatever of his property;

Resolved by the Senate and House of Representatives of the State of Michigan, That the probate court of Lapeer county shall have and entertain jurisdiction of the petition of Charles E. Gibbons of Elba, Michigan, to be declared the legal heir of Thomas Davis, late of Elba, now deceased, if on the hearing of such petition said probate court shall find to be true the facts set forth in the preamble of the resolution, the State hereby releases all its claim by way of escheat to the real estate described in said preamble and the Auditor General, State Treasurer and Secretary of State, known as the board of escheats, are hereby authorized and required to convey to Charles E. Gibbons all of the interest which the State of Michigan has heretofore or may hereafter acquire in and to said real estate left by said Thomas Davis and the probate court is authorized to make an order declaring the said Charles E. Gibbons to be the heir of said Thomas Davis and set over to said Charles E. Gibbons said real estate left by said Thomas Davis after the debts, funeral charges and expenses of administration are paid. All the proceedings under this law shall be under the statutes governing proceedings for probate courts so far as applicable.

This joint resolution is ordered to take immediate effect.

Approved May 29, 1897.

[No. 16.]

JOINT RESOLUTION for the relief of Ira E. Lent and Frank Kelley members of company E, First Infantry, Michigan National Guard.

WHEREAS, Ira E. Lent and Frank Kelley, members of company E, First Infantry, Michigan National Guard, while performing duty as such members on August eighth, eighteen hundred and ninety-five, at the encampment of the Michigan National Guard at Island Lake, Michigan, were both seriously maimed by the premature explosion of the cartridge in a cannon, while acting under the orders of superior officers, such explosion being through no fault of the men; therefore

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized to investigate, examine into, and if they see fit, audit and allow the claims of

said Ira E. Lent and Frank Kelley. On such allowance the Auditor General shall issue his warrant in favor of said Ira E. Lent and Frank Kelley for the amount so audited and allowed, payable out of any money in the State Treasury not otherwise appropriated: *Provided, however,* That the amount allowed in the case of said Ira E. Lent shall not exceed the sum of one thousand five hundred dollars, and in the case of said Frank Kelley shall not exceed the sum of two thousand dollars.

Approved May 29, 1897.

[No. 17.]

JOINT RESOLUTION directing the Board of State Auditors to investigate and examine the claim of Charles A. Howind, of Michigan, against the State of Michigan, on account of personal injuries received by him while in the employ of the State, at the Michigan State Prison, and to provide for the payment to him of a sufficient sum of money to compensate him for his damages sustained.

WHEREAS, Charles A. Howind, of Jackson, Michigan, claims that he was employed by the State of Michigan as master mechanic at the Michigan State Prison during the year eighteen hundred and eighty-six, and for several years prior and since that year. That in August, eighteen hundred and eighty-six, while so employed and engaged in such services, he received, without fault on his part, serious, lasting and permanent bodily injuries, by being caught in certain of the machinery of said prison, while the same was in motion. That in consequence thereof, his right arm was broken above the elbow, his right leg was broken, four of his ribs were broken, and his feet were broken, bruised and crippled, and he was otherwise hurt, bruised and permanently injured. That a short time previous to such injury, one Bostwick, who before then was a guard in said prison, was promoted by the officers of said prison, and placed in charge of the steam and power plant of said prison, and being so employed, was ordered and directed by the officers having authority so to do, to change, rearrange and extend certain of the machinery of said steam and power plant for the benefit of said prison. That said Bostwick was wholly incompetent and inexperienced in such work and not capable of properly and safely performing the same, and in consequence thereof, so constructed and arranged or caused to be constructed and arranged a certain line shafting and a certain pulley thereon, that the same was dangerous and liable to injure those coming near it to inspect, use or examine it while in motion. And the said line shafting and pulley, being so constructed in such dangerous manner, the said Bostwick then set the same in motion by the power of said plant, at the rate of one hundred and twenty-five revolutions per minute, and while the same was so revolving and running, called the said Howind to inspect and examine the same. That, pursuant to his duties as master mechanic of said prison it was the duty of said Howind, when so called and requested, to inspect and examine said line shafting and pulley while in motion, and accordingly

the said Howind, being so called and requested, approached said line shafting and pulley to inspect and examine the same. That in constructing and uniting said line shaft and pulley, the said pulley was carelessly and negligently and through the inexperience, lack of knowledge and incompetency of the said Bostwick, fastened by the said Bostwick, or under his supervision, to the said line shaft by the use of certain bolts or set screws which were much longer than was fit or necessary for that purpose, and which projected about three or four inches more than was safe, fit or proper for them to project. And said line shaft and pulley and bolts or set screws were thereby rendered dangerous to inspect, use or examine while in motion. That said projecting bolts or set screws were not noticeable when in motion, revolving with said line shaft and pulley, and said Howind, although using great care and caution on his part, was not able to, and did not discover the same upon approaching said line shaft and pulley to inspect and examine the same as aforesaid nor until the said bolts or set screws caught his clothing and fastened him to said revolving shaft and pulley, by reason of which he was injured as aforesaid.

And said Howind claims, that, although using great care and skill for his recovery from such injuries, he has not yet recovered and never will be able to recover from the same, and that he is permanently injured thereby; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be, and such board is, hereby authorized and directed to investigate and examine said claim and determine the same, and the extent of the injuries, if any, suffered by the said Charles A. Howind in the premises, and to adjust such claim and allow said Charles A. Howind such sum or sums of money on account thereof as may be necessary to compensate him for his damages occasioned by such injuries. And the Auditor General is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said Charles A. Howind for the amount so audited and allowed by said Board of State Auditors, and the same shall be payable out of any moneys in the treasury not otherwise appropriated: *Provided*, That such compensation shall not exceed the sum of three thousand dollars (\$3,000) which if allowed by the Board of State Auditors and paid or any portion of said amount, it shall be in full for all claims and injuries herein claimed.

This act is ordered to take immediate effect.

Approved May 29, 1897.

[No. 18.]

JOINT RESOLUTION directing the Board of State Auditors to settle, and adjust and pay the claim of Morley Brothers of Saginaw, against the State of Michigan, for goods and materials furnished and other expenses incurred by the Board of World's Fair Managers for the State of Michigan.

WHEREAS, The said Morley Brothers, did at the request of said Board of World's Fair Managers furnish and loan said board a large amount of

material for display by said Board at the World's Fair and did by the request of said board pay the express charges on said material in advance, with the express understanding with the said Board of World's Fair Managers that the amount of the express so advanced by Morley Brothers and all the expense incurred by them in connection therewith should be refunded by said board and that all goods and material lost or damaged by said board and not returned to the said Morley Bros. should be paid for by said Board.

WHEREAS, The said Board of World's Fair Managers did loose and neglect to return to said Morley Brothers an amount of goods lost and have not paid the express charges advanced by said Morley Brothers at the request of said board and that said board has closed up its affairs and returned to the treasury of the State of Michigan, to wit: twenty-three hundred dollars (\$2,300) from the sum appropriated by the State of Michigan, for the use of said board and have disorganized and gone out of existence without paying the claim of said Morley Brothers, of one hundred and eight dollars (\$108) expenses, charges and materials furnished and loaned said board by said Morley Brothers as aforesaid.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to investigate and examine said claim and determine as to the rightfulness thereof, and if said amount, or any part thereof, is justly and equitably due, and if on examination the facts herein stated are found to be true, the Board of State Auditors are authorized and empowered to draw their warrant in payment of said claim.

This joint resolution is ordered to take immediate effect.

Approved May 29, 1897.

[No. 19.]

JOINT RESOLUTION authorizing and directing the Auditor General to cancel certain State taxes due and payable from Manitou county at the time of and prior to its disorganization.

WHEREAS, For many years prior to the disorganization of the county of Manitou, the State failed to collect the taxes apportioned to, due and payable from said county of Manitou; and

WHEREAS, There was a considerable sum of money due the State as unpaid taxes at the time the said county was disorganized; and

WHEREAS, The Auditor General has charged such delinquent and past due taxes, in the State account, to the counties of Charlevoix and Leelanau, to which the territory of the disorganized county of Manitou was attached; and

WHEREAS, The failure to fully pay the sum or sums due the State from said county of Manitou was and is not the fault of the said counties of Charlevoix or Leelanau, to which the territory of said Manitou county

was attached, and the officials of said counties have no means of compelling the defunct county of Manitou to pay the same; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized and directed to cancel all such taxes and tax accounts due from the territory of Manitou county, thereto attached, as against the said counties of Charlevoix and Leelanau, or either of them, as a State claim, and that he be further authorized and directed in all cases in which such back taxes have not been and cannot be made a lawful lien on property in said former Manitou county, to cancel the same upon the books of his office in the same manner as the taxes upon the State tax homestead lands are canceled, as provided in the general tax law of this State.

Approved May 29, 1897.

[No. 20.]

JOINT RESOLUTION to provide for the transfer of certain funds to the general fund.

WHEREAS, There has remained to the credit of the St. Mary's ship canal fund a credit balance which was on hand at the time of the transfer of the said canal from the State to the United States, and no claim has been made for any part of such moneys, either by any persons who paid the same into said fund or by the general government,

AND WHEREAS, There now remains on hand, under the control of the board of control of the St. Mary's ship canal, an invoice of tools and machinery, and no demand by any person or persons or by the United States having been made for a transfer of said tools and machinery; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby directed to transfer such balance as shown upon the books of his office to and the same shall hereafter become a part of the general fund of the State.

And be it further resolved, That the board of control of the St. Mary's ship canal be and they are hereby authorized to dispose of, at the best possible advantage, the tools and machinery aforesaid and now under their control, and deposit the money received from the sale of said property in the general fund of this State.

Approved May 29, 1897.

[No. 21.]

JOINT RESOLUTION directing the Board of State Auditors to settle and adjust the claim made by Joseph Schefneker against the State of Michigan for services and money expended by him in recruiting volunteers for the war of the rebellion from April, eighteen hundred and sixty-one, part of four (4) different companies, up to the organization of the fourteenth regiment of Michigan infantry.

WHEREAS, Joseph Schefneker, late of company A, fourteenth regiment Michigan infantry volunteers, claims that on the fourteenth day of April, eighteen hundred and sixty-one, he being then first lieutenant of Michigan State troops, did by order of the Governor fill up this company for three months' service, paid all expenses connected therewith out of his own money and that he filed at different times just claims against the State of Michigan, and that while in the service of the United States at Tuscumbia, Alabama, he received and receipted in payment of said claims, which receipts he returned by mail to the quartermaster general, expecting to receive the money in lieu thereof, which money he claims he never received, the amount of said claim being, as near as may be, the sum of seven hundred and thirty-eight dollars (\$738);

Resolved by the House of Representatives and the Senate of the State of Michigan, That the Board of State Auditors be and is hereby authorized to investigate and examine said claims and determine as to the rightfulness thereof, and if said amount, or any part thereof, is justly and equitably due, and, if on examination the facts herein stated are found to be true, the Board of State Auditors is authorized and empowered to draw their warrant in payment of said claim.

This joint resolution is ordered to take immediate effect.

Approved June 2, 1897.

[No. 22.]

JOINT RESOLUTION authorizing the cancellation of primary school land patent covering south fractional half of southeast quarter of section sixteen, town forty-three north, range four west (s frl $\frac{1}{2}$ of s e $\frac{1}{4}$ sec 16, t 43 n, r 4 w) and the issuing in lieu thereof of patent for southeast quarter of southwest quarter section sixteen, town forty-three north, range four west (s e $\frac{1}{4}$ of s w $\frac{1}{4}$ of sec 16, t 43 n, r 4 w.)

WHEREAS, On the fourteenth day of July, eighteen hundred and ninety-six, William St. James made application to the Commissioner of State Land Office to purchase the south fractional half of southeast quarter of section sixteen, town forty-three north, range four west, containing sixty and ninety-hundredths acres; and

WHEREAS, Such application was made by the said William St. James through an agent employed by him to select a certain description of land hereinafter mentioned and which the said William St. James supposed had been applied for in his name; and

WHEREAS, It appears from affidavits on file in the State Land Office that the description intended to have been applied for by the said William St. James was the southeast quarter of southwest quarter of section sixteen, town forty-three north, range four west (s e $\frac{1}{4}$ of s w $\frac{1}{4}$ of sec 16, t 43 n, r 4 w), therefore

Resolved by the House of Representatives (the Senate concurring), That the Secretary of State be and he is hereby authorized and empowered to cancel patent for primary school land certificate number twenty-four thousand nine hundred and forty, issued to the said William St. James for the south fractional half of the southeast quarter of section sixteen, town forty-three north, range four west, on surrender of such patent, and to issue in lieu thereof a patent to the said William St. James for the southeast quarter of southwest quarter of section sixteen, town forty-three north, range four west, on the certificate of the Commissioner of the State Land Office, executed in the usual form, showing payment by the said William St. James for the amount of purchase money of said last described tract less amount paid on the purchase of the description above referred to erroneously selected and conveyed.

This joint resolution is ordered to take immediate effect.

Approved March 26, 1897.

CONCURRENT RESOLUTIONS, 1897.

[No. 1.]

WHEREAS, There is now pending in Congress a bill (H. R. 4339) to establish a National Military Park to commemorate the campaign, siege and defense of Vicksburg; and

WHEREAS, The operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, eighteen hundred sixty-three, not only mark the turning point in the war of the rebellion, but also constitute one of the greatest epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and

WHEREAS, The establishment of a National Military Park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and

WHEREAS, The State of Michigan has an especial interest in this bill for the reason that of her gallant soldiers seven regiments of infantry and two batteries of artillery participated in the operations it is intended to commemorate; therefore

Resolved by the House (the Senate concurring), That the legislature of the State of Michigan by this concurrent resolution asks that the above named bill (H. R. 4339) be passed during this session of Congress and requests the Senators and members of the House of Representatives in Congress from Michigan to labor earnestly for its passage; and the Secretary of State is hereby directed to send a certified copy of this resolution to the Senators and members of the House of Representatives from Michigan, to the Hon. Thomas B. Reed, Speaker of the House of Representatives, and to the Hon. John A. F. Hull, chairman of the House committee on Military Affairs, and to the Senators and Representatives in Congress from this State. •

Approved January 20, 1897.

[No. 2.]

Resolved by the House (the Senate concurring), That we do heartily endorse the Hon. John B. Corliss in his efforts to have the immigration laws so amended as to restrict the tide of foreign labor which flows daily across our borders, robbing our citizens of employment only to return to a foreign land to invest their earnings, thereby depriving our merchants of a large volume of business which they are justly entitled to; and be it further

Resolved, That the Secretary of State be and is hereby instructed to transmit a copy of this resolution to each of our Senators and Representatives at Washington, who are hereby requested to lend their influence to check this gross injustice to our citizens.

Approved February 5, 1897.

[No. 3.]

Resolved (the Senate concurring), That we, the members of the legislature of the State of Michigan, express our earnest sympathy with, and hearty commendation of the effort now being made by Senator James McMillan, in the Congress of the United States, to regulate the practice of vivisection in the District of Columbia; that we regard this practice of torturing animals as cruel, inhuman, and unworthy of our civilization;

That a copy of this resolution, signed by the President of the Senate and the Speaker of the House, be forwarded to Senator James McMillan.

Approved February 24, 1897.

[No. 4.]

CONCURRENT RESOLUTION recommending the appointment of Col. William R. Shafter as brigadier general.

WHEREAS, The services of William R. Shafter during the war of the rebellion as lieutenant of the Seventh Michigan Infantry, major of the Nineteenth Michigan Infantry, and as colonel of a colored regiment distinguished him as, and proved him to be, one of Michigan's most valiant, loyal, capable and able sons; and

WHEREAS, A vacancy is liable to occur in the position of brigadier general in the United States army, which it will be necessary for the President to fill by appointment; and

WHEREAS, William R. Shafter now occupies the position of ranking colonel of the United States army, being in charge of the Presidio, of San Francisco, California, which is the largest and most important post in the United States; and

WHEREAS, In the ordinary course of military appointments, Colonel Shafter, as ranking colonel, is entitled to appointment to fill the first vacancy in the position of brigadier general of the United States army; therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the desire of the legislature of the State of Michigan, and each and every member thereof, that President-elect McKinley appoint Colonel Shafter to the first vacancy in the position of brigadier general in the United States army, and that General Russell A. Alger, Secretary of War, appointed, use his influence to secure such appointment.

Resolved, That, after adoption, these resolutions be forwarded to President-elect McKinley; after being signed by the Speaker of the House and President of the Senate, and that a copy thereof be sent to Gen. Russell A. Alger.

Approved February 24, 1897.

[No. 5.]

WHEREAS, This House has learned with sorrow of the death of Hon. James B. Porter, Secretary of State of Michigan from one thousand eight hundred and sixty-one to one thousand eight hundred and sixty-six; and

WHEREAS, Mr. Porter's public life was long and honorable, covering the period of Michigan's greatest growth and development; therefore

Resolved by the House (the Senate concurring), That the Speaker of the House and President of the Senate do appoint a committee of five members from each House, to be present at the funeral of the deceased; and be it further

Resolved, That these resolutions be spread upon the Journal, and an engrossed copy thereof be presented to the family of the deceased.

Approved March 12, 1897.

[No. 6.]

WHEREAS, It is seasonable that at this period in the history of Michigan anniversary of the admission of Michigan into the Union as a State; and

WHEREAS, The sixteenth day of March next, will be the fiftieth anniversary of the location and establishment of the State capitol at Lansing; and

WHEREAS, In the years which have elapsed since said events, Michigan has been transformed from a vast wilderness into a great and prosperous commonwealth, having become rich in mining, manufacturing and agriculture; and

WHEREAS, It is seasonable that at this period in the history of Michigan, upon the return of the days upon which happened events so import-

ant in her history, that her people should commemorate the happening of these events; therefore be it

Resolved by the House of Representatives (the Senate concurring), That the sixteenth day of March next be designated as Michigan day and that the evening be set apart and devoted to a program in commemoration of the events above named, to be prepared by a joint committee of three of each house of the legislature, to be appointed by the presiding officers of the respective houses.

[No. 7.]

Resolved by the House (the Senate concurring), That there shall be printed one edition of the "Michigan Manual;" and be it further

Resolved, That the Secretary of State be, and is hereby authorized and directed, to cause to be published a sufficient number of the "Michigan Manual," including those provided for by law, to be distributed as follows:

For distribution by each member of the Senate.....100 copies

For distribution by each member of the House.....60 copies

For distribution by Clerk of the House.....50 copies

For distribution by Secretary of the Senate.....50 copies

And a further number sufficient to supply one copy to each public school in the State, not otherwise provided for, including district schools, and also one copy to each of the officers and employes of the House and Senate not otherwise provided for.

Approved March 26, 1897.

[No. 8.]

WHEREAS, During the latter days of the administration of President Cleveland an executive order was promulgated combining the United States pension agency at Detroit with that at Indianapolis, with headquarters at Indianapolis, Indiana; and

WHEREAS, The number of pensions quarterly paid at Detroit greatly exceeds the number paid at Indianapolis; and

WHEREAS, Without any popular demand for this change which will abolish the Detroit pension agency, this order was arbitrarily made at the suggestion of the Commissioner of Pensions; therefore

Resolved, That this House (the Senate concurring), request the Senators and Representatives from Michigan to use all honorable means to secure a revocation of said order;

Resolved, That a copy of these resolutions signed by the Lieutenant Governor and Speaker of the House be sent to each Senator and Representative in Congress from this State.

[No. 9.]

CONCURRENT RESOLUTION authorizing the State Librarian to ship certain volumes of the Michigan supreme court reports and session laws to the clerk of the United States circuit court for the eastern district of Michigan, northern division, at Bay City.

WHEREAS, By concurrent resolution of the Senate and House of Representatives, approved June first, eighteen hundred and ninety-five, the United States circuit court at Bay City was supplied with Michigan reports up to and including volume one hundred one, and the session laws since eighteen hundred and eighty-nine, including the acts of eighteen hundred and ninety-three; therefore

Resolved by the House of Representatives (the Senate concurring), That the Librarian of the State is hereby authorized and directed to deliver to the clerk of the said United States circuit court at Bay City one copy each of Michigan reports from and including volume one hundred and two up to and including the last report now published, together with one copy of each of the session laws since eighteen hundred and ninety-three; and further

Resolved, That the said Librarian of the State is hereby authorized and directed to place the clerk of the United States circuit court at Bay City upon the list of those officials to whom the Michigan reports and session laws are distributed; and that hereafter such reports and session laws when published be sent to said clerk.

Approved April 22, 1897.

[No. 10.]

Resolved by the House (the Senate concurring), That the Secretary of State be, and is hereby directed, to forward (as soon as ready for distribution), to each county commissioner of schools, a sufficient number of said Michigan Manual to supply one copy to each of the public schools under his jurisdiction, whose duty it shall be to deliver the same to the various schools without delay.

Approved April 28, 1897.

[No. 11.]

Resolved (the Senate concurring), That a committee of three, one from the Senate and two from the House, be appointed to act in conjunction with the State Game and Fish Warden and the chairman of the State Board of Fish Commissioners to secure uniform legislation on the subject of fish and game for the States of Michigan, Wisconsin, Minnesota and Illinois, and report to the next regular session of the legislature by bill; and

Resolved further, That the Governor be requested to inform the Governors of the above named States of the action taken by this legislature concerning the above subject: *Provided*, That no expense to the State shall accrue for the services herein provided for.

Approved May 14, 1897.

[No. 12.]

CONCURRENT RESOLUTION for the removal of military stores from the basement of the Capitol and turning over the room, so vacated, for the use of the Auditor General.

Resolved by the House (the Senate concurring), That the Board of State Auditors be and are hereby directed to arrange without delay for the removal of the stores belonging to the Quartermaster's and Adjutant General's departments now occupying room on the basement floor of the Capitol building, to safe and convenient quarters in the building owned by the State on the corner of Washington avenue and Allegan street in the city of Lansing; and that the room so vacated in the Capitol building be at once put in proper condition for the use of the Auditor General's department, to facilitate the proper dispatch of the business of that office.

Approved May 25, 1897.

[No. 13.]

Resolved (the Senate concurring), That the Board of State Auditors be and are hereby directed to arrange for and carry out the system of ventilation for the Representative Hall in accordance with the plans submitted to the House by the special committee on Heating and Ventilation, and also to provide the Representative Hall with double windows in accordance with said report, and have both of said improvements in use and working order prior to the opening of the session of the legislature in eighteen hundred and ninety-nine.

Approved June 2, 1897.

[No. 14.]

WHEREAS, On the thirtieth day of July, eighteen hundred ninety-eight, the Michigan State Board of Health will have been established twenty-five years, and the appropriate celebration of the event may be made to promote those interests of the people of Michigan for which that board was established;

Resolved by the House (the Senate concurring), That the State Board of Health is hereby authorized and requested to prepare accurate comparative statements of the conditions affecting the public health, and of the actual conditions of health in Michigan before and since the establishment of the board, especially exhibiting if it be true that there has been a very marked improvement in the healthfulness of Michigan in recent years and statements of the principal dangers to life and health at the present time, also an appropriate program for a public meeting for the discussion of measures for the further promotion of the public health in Michigan, the meeting to occur on or about the time of the completion of the twenty-five years of the existence of the board.

Resolved further, That the Governor is hereby authorized and requested to send to the National Conference of State Boards of Health, at its coming meeting in eighteen hundred ninety-seven, which is to be held in Nashville, Tennessee, during the centennial exposition, an invitation for the National Conference of State Boards of Health, to hold its next annual meeting in Michigan in the summer of eighteen hundred ninety-eight to aid in celebrating the quarter centennial of the establishment of the Michigan State Board of Health.

Resolved further, That the Governor is hereby authorized and requested to invite to this quarter centennial meeting, Surgeon-General Sternberg of the United States Army, Surgeon-General Tryon of the Navy, Surgeon-General Wyman of the Marine Hospital Service, D. E. Salmon, M. D., of the Bureau of Animal Industry, U. S. Department of Agriculture, the officers and members of other State boards of health, and of the boards of health of the principal cities in the United States, and other distinguished sanitarians in this and neighboring countries.

Resolved further, That, in case the invitations are accepted, the Railroad Commissioner and State Board of Health are requested to act and to coöperate with interested citizens, so far as practicable, for facilitating the attendance of representative excursionists from other States, and for placing before those who may visit Michigan on that occasion, the beauties of the numerous delightful summer resorts around the shores of the Great Lakes, and at the numerous inland lakes and other sanatoria, the general healthfulness of the State, and the unparalleled advantages of Michigan as a summer resort State.

Resolved further, That the local boards of health in Michigan be requested to send delegates to this proposed quarter centennial meeting, in order that they may contribute, for the general welfare of the State, and that they may gain any information which they can for the use and benefit of the public health in their respective localities.

Approved June 2, 1897.

[No. 15.]

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby directed to compile and prepare for publication, make indexes and superintend the publication of the journal and documents of the present session of the legislature, and when complete and certified to by the Secretary of State, the Secretary of the Senate shall be entitled to receive the sum of five hundred dollars, and the Clerk of the House shall be entitled to and receive the sum of six hundred dollars for such services, the same to be paid on the certificate of the Secretary of State.

Approved June 2, 1897.

CERTIFICATE.

STATE OF MICHIGAN, }
Department of State, } ss.

I, Jos. W. Selden, Deputy Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the Legislature of eighteen hundred and ninety-seven was on the thirty-first day of May in the year of our Lord one thousand eight hundred and ninety-seven.

[L. s.] IN WITNESS WHEREOF I have hereunto set my hand and
caused the great seal of the State of Michigan to be
affixed this thirty-first day of July, A. D. one thousand
eight hundred and ninety-seven.

JOS. W. SELDEN,
Deputy Secretary of State.

APPENDIX

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE FISCAL YEAR ENDING JUNE 30, 1897

REPORT

OF THE

TREASURER OF THE STATE OF MICHIGAN.

TREASURY DEPARTMENT, }
Lansing, July 1, 1897. }

HON. HAZEN S. PINGBEE, *Governor*:

SIR—I have the honor to submit herewith the following report, exhibiting the transactions of this department, for the fiscal year ending June 30, 1897:

Balance on hand July 1, 1896	\$912,422 43
Total receipts	3,603,129 57
	<hr/>
	\$4,515,552 00
Disbursements	3,731,663 96
	<hr/>
Balance on hand June 30, 1897	\$783,888 04
	<hr/>

Which corresponds with the amount charged to this office, as appears by the following letter of the Auditor General.

GEORGE A. STEEL,
State Treasurer.

STATE OF MICHIGAN, }
AUDITOR GENERAL'S DEPARTMENT, }
Lansing, July 1, 1897. }

HON. GEORGE A. STEEL, *State Treasurer*:

SIR—I hereby certify that the cash balance charged the State Treasurer as being in his hands at the close of business June 30, 1897, was seven hundred and eighty-three thousand eight hundred and eighty-eight dollars and four cents (\$783,888.04), as appears by the books of this office.

Very respectfully,
ROSCOE D. DIX,
Auditor General.

The following statement from the General and Auxiliary Ledgers gives the condition of the several Trust Funds, Bond Account, etc.:

Credit—

General Fund.....	\$540,027 37
Agricultural College Interest Fund.....	37,374 40
Normal School Interest Fund.....	989 18
Primary School Interest Fund.....	110,233 63
University Interest Fund.....	19,816 84
Sundry Deposits Account.....	6,519 50
St. Mary's Canal Fund.....	68,927 12
	<u>\$783,888 04</u>

Debit—

Cash on hand.....	<u>\$783,888 04</u>
-------------------	---------------------

BONDED DEBT.

The outstanding bonds of this State now are:

Past due part-paid Five Million Loan Bonds, \$19,000, adjustable at \$578.57 per \$1,000 (not bearing interest)..	\$10,992 83
	<u>\$10,992 83</u>

TRUST FUND DEBT.

Agricultural College Fund.....	\$569,951 82
Normal School Fund.....	65,945 12
Primary School Fund (seven per cent).....	3,815,457 69
Primary School Fund (five per cent).....	829,069 38
University Fund.....	529,621 59
	<u>\$5,810,045 60</u>
Balance Trust Funds.....	<u>\$5,810,045 60</u>

The following statements give the receipts and payments in detail:

General Fund.

RECEIPTS.

Balance June 30, 1896		\$450,537 21
Taxes, etc.—		
From Auditor General's Office—		
Tax Histories, Statements and Deeds	\$1,643 87	
State Tax Lands	123,536 32	
Redemptions	20,741 93	
Delinquent Taxes	74,968 86	
		220,890 98
From County Treasurers—		
Under Old Tax Law	\$190,488 12	
Under New Tax Law	2,208,408 33	
Proceeds of Tax Sales	64 43	
		2,398,960 88
Fees, Licenses, etc.—		
Adjutant General—		
"Michigan in the War," sale of	\$10 00	
Auditor General—		
Plats filed	66 00	
Commissioner of Insurance—		
Fees—Co-operative Associations	1,365 00	
Penalties paid by Insurance Companies	549 67	
Commissioner of State Land Office—		
Plats, etc	407 88	
Settlers' Licenses	118 66	
Governor—		
Fees—Notaries Public	2,707 00	
Secretary of State—		
Certificates and Certified Copies	1,135 67	
Commissions to Commissioners of Deeds	66 00	
Legislative Manuals, sale of	10 40	
Session Laws, sale of	78 23	
Recording fees	1,132 39	
List township officers	125 00	
Franchise fees	32,715 43	
Corrections on map	6 00	
Attorney General—		
Approval fees from insurance companies	160 00	
State Librarian—		
Fees from traveling library	50 00	
Pioneer Collections, sale of	48 75	
State Oil Inspector—		
Inspection fees	11,625 50	
State Treasurer—		
Peddlers' licenses	2,513 06	
Fees for deer licenses	296 50	
Commissioner of Banking—		
Fees for examining banks	8,794 21	
Amount carried forward	\$63,981 35	\$3,070,889 07

Amount brought forward.....	\$68,981 35	\$3,070,889 07
Commissioner of Railroads— Compiled Railroad Laws, sale of	26 00	
Board of Geological Survey— Sale of reports.....	4 00	64,011 35
Interest— Specific taxes.....	\$6,962 21	
Surplus funds.....	15,095 72	22,057 93
Refunding— Taxes.....	\$3 57	
Awards of Board of State Auditors.....	123 86	
Saginaw county treasurer, overpaid.....	94	
Apprehending fugitives from justice, overpaid.....	2 87	
Supreme and circuit courts, advertising.....	23 05	
Collecting delinquent State tax.....	54 00	
Support of insane, Northern Asylum	400 00	
Support of insane, Michigan Asylum.....	1,768 26	
D. B. Ainger, Deputy Aud. Gen., salary overpaid.....	15 38	
H. O. Turner, secretary to Aud. Gen., salary overpaid.....	8 96	
Medical treatment of children, U. of M.....	117 50	
Coroners' fees.....	28 50	2,546 89
Appropriations Unexpended— State Public School.....	\$1,451 38	
Agricultural College.....	1 57	
Branch Prison, U. P.....	2,100 00	
Board Geological Survey.....	41 60	3,594 55
State lands, purchase of— Asylum lands—principal and interest.....	\$389 62	
Asset lands—principal and interest.....	69 88	
Salt spring lands—principal and interest.....	260 50	
State building lands—principal and interest	158 58	
State tax homestead certificates.....	9,339 78	
Five per cent from sale of lands by United States.....	509 40	
Taxes on part paid lands.....	2,228 00	
Rent of State building lots in Lansing.....	2,813 60	
State tax homestead certificates, trespass collections..	116 18	15,885 44
Miscellaneous— Michigan Board of Pharmacy—available surplus.....	\$1,000 00	
Sale of old material.....	69 02	
United States government in aid Soldiers' Home.....	12,624 70	
United States government in aid Agricultural College..	22,000 00	
Escheat to State, Wm. H. Goodwin, treasurer Allegan county	8 41	35,697 18
Transfers— From Agricultural College Fund.....	\$22,672 92	
From Normal School Fund.....	80 00	
From Primary School Fund.....	15,807 97	
From Swamp Land Fund.....	4,352 76	
From University Fund.....	1,125 00	44,038 65
Total.....		\$3,257,720 51

General Fund.

DISBURSEMENTS.

Appropriations—

Eastern Asylum for the Insane.....	\$10,171 13
Michigan Asylum for the Insane.....	26,074 01
Northern Asylum for the Insane.....	10,480 44
Asylum for Insane, Upper Peninsula.....	70,335 00
Asylum for Insane Criminals.....	33,325 00
Institution for Educating the Deaf and Dumb.....	68,750 00
Michigan School for the Blind.....	25,000 00
Michigan Soldiers' Home.....	84,000 00
Home for Soldiers, Sailors', etc., their wives and mothers.....	4,000 00
Home for Feeble Minded.....	44 952 16
Board of Corrections and Charities.....	3,665 09
Board of Fish Commissioners.....	20,625 00
Board of Geological Survey.....	8,451 42
Bureau of Labor and Industrial Statistics.....	4,682 00
State Board of Health.....	5,246 76
Agricultural College.....	8,340 00
Michigan Mining School.....	40,000 00
State Normal School.....	72,800 00
State Public School for Dependent Children.....	35,767 00
University of Michigan.....	147,250 02
State Industrial School for Boys.....	67,500 00
Central Normal School.....	6,000 00
State Industrial Home for Girls.....	49,293 80
State Prison.....	3,750 00
Commissioner of Mineral Statistics.....	3,125 00
Agricultural Institutes.....	4,000 00
Military Account.....	51,665 64
Pioneer Society of the State of Michigan.....	1,539 22
State Library.....	2,200 00
Traveling Library.....	2,500 00
State Teachers' Institutes.....	1,960 00
Re-compilation of Records in Adjutant General's Office.....	2,318 67
Relief of Supreme Court.....	3,869 72
Factory Inspection.....	7,039 33
State Tax Statistician.....	1,360 94
Michigan State Horticultural Society.....	915 21
Dairy and Food Commission.....	11,437 85
Dairymen's Association.....	500 00
Chickamauga and Chattanooga Monuments.....	2,230 29
Weather Service.....	1,250 00
Naval Brigade.....	2,802 05
Riverside Cemetery Fund.....	6 00
Compilation of laws.....	2,500 00
Relief, Alphonso Button.....	25 00

Amount carried forward.....

\$953,703 75

Amount brought forward.....		\$953,703 75
Expenses of State Government—		
Advisory Board in Matter of Pardons.....	\$3,413 95	
Agent of State Public School.....	1,901 12	
Agent Industrial School for Boys.....	455 27	
Agent Industrial Home for Girls.....	577 78	
Apprehending escaped convicts.....	463 95	
Care of juvenile offenders.....	9,548 00	
Conveying children to State Industrial School for Boys.....	3,541 06	
Conveying children to State Industrial Home for Girls.....	2,195 92	
Conveying convicts to State House of Correction.....	5,008 69	
Conveying convicts to State Prison.....	4,162 59	
Conveying convicts to State House of Correction and Prison, Upper Peninsula.....	1,826 44	
Conveying convicts to Detroit House of Correction.....	663 48	
Transportation of children to State Public School.....	1,997 07	
Return of children from State Public School.....	39 90	
Medical treatment of children.....	488 55	
Transfer of Convicts (insane).....	332 09	
State House of Correction (current expenses).....	58,000 00	
State Prison (current expenses).....	16,000 00	
State House of Correction and Prison, U. P. (current expenses).....	36,000 00	
Support of female convicts.....	2,271 35	
Support of insane, Eastern Asylum.....	135,956 61	
Support of insane, Michigan Asylum.....	144,769 74	
Support of insane, Northern Asylum.....	140,662 90	
Support of insane, Criminal Asylum.....	33,977 12	
Support of insane, Wayne County Asylum.....	32,121 54	
Support of insane, U. P. Hospital ..	14,585 17	
State Board of Visitors to educational institutions.....	53 87	
State Live Stock Sanitary Commission.....	2,451 22	
Expenses of Game and Fish Warden.....	4,559 77	
Awards of Board of State Auditors.....	181,374 69	
Members of Boards of State Institutions.....	10,556 99	
Expense members Board State Auditors.....	2,198 67	
Expense members Board Canvassers.....	21 70	
Expense members Board Equalization.....	86 10	
Board of Pharmacy, current expenses.....	500 00	
Apprehending fugitives from justice.....	398 40	
Apprehending escaped patients.....	143 64	
Agricultural College from U. S. Government.....	22,000 00	
Examining Agricultural College lands.....	2,707 83	
Judiciary—Supreme and circuit courts.....	2,666 36	
—Cost of suits.....	3,797 44	
—State reporter (incidental expenses).....	87 75	
		884,514 67
Expenses of State Institutions,—charged back to coun- ties—		
Eastern Asylum for the Insane.....	\$146 94	
Northern Asylum for the Insane.....	11,055 46	
Institution for Educating the Deaf and Dumb.....	5,558 92	
Michigan School for the Blind.....	1,624 65	
		18,385 97
Salaries—		
State officers, clerks and judges of courts.....	\$370,626 38	
Military department (charged back to military account)	3,083 34	
Sec'y Board Review Telephone and Telegraph Co's....	200 00	
		373,909 72
Taxes—		
Expenses of sales and collecting delinquent State tax..	\$64,967 75	
Fund of counties (old tax law).....	3,376 81	
Sundry counties (new tax law).....	242,586 67	
		310,931 23
Amount carried forward.....		\$2,541,445 34

Amount brought forward		\$2,541,445 34
Refunding—		
Refunding, Auditor General's office	\$36,995 78	
Refunding, Land office	108 80	
Refunding co-operative insurance fees	25 00	
Refunding interest on surplus funds to Commercial National Bank, Detroit	37 57	
		37,167 15
Miscellaneous—		
Joint resolution No. 12, relief Saginaw, Tuscola & Huron Ry.	\$12 00	
Joint resolution No. 18, relief Morley Bros.	108 00	
Prevention of cholera	129 70	
Coroners' fees	2,638 83	
Supervisors' appraisals	5 50	
Wolf bounties	210 00	
State Banking Department, salaries	6,792 57	
State Banking Department, expenses	3,112 72	
Legislative pay, per diem and mileage, senate	35,391 80	
Legislative pay, per diem and mileage, house	76,870 50	
Incidental expenses, legislature	9,205 79	
Stationery for legislature	3,862 24	
		138,339 65
Transfers—		
To Primary School fund	\$643 60	
To Swamp Land fund	97 40	
		741 00
Balance, June 30, 1897		540,027 37
Total		<u>\$3,257,720 51</u>

**AGGREGATE OF RECEIPTS AND DISBURSEMENTS FOR EACH MONTH OF THE FISCAL YEAR
ENDING JUNE 30, 1897.**

	Receipts.	Disbursements.
1896—July	\$269,801 83	\$377,366 31
August	147,676 14	118,575 73
September	82,511 10	159,114 33
October	107,277 39	386,128 93
November	92,437 90	578,218 29
December	228,403 89	248,120 43
1897—January	332,206 09	175,487 61
February	155,149 81	186,434 16
March	860,849 93	426,064 93
April	345,475 31	209,466 95
May	212,282 06	594,390 90
June	769,058 12	277,295 39
	<u>\$3,603,129 57</u>	<u>\$3,731,663 96</u>

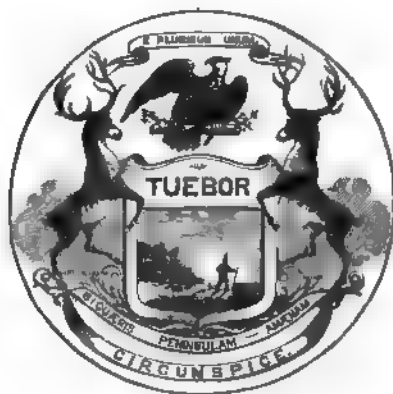
INDEX
TO THE
PUBLIC ACTS
OF THE
STATE OF MICHIGAN

ENACTED BY THE LEGISLATURE OF 1897, WITH REFERENCES TO THE
LAWS OF 1891, 1893 AND 1895 AFFECTED THEREBY, AND
TO SECTIONS AND CHAPTERS OF

HOWELL'S ANNOTATED STATUTES

VOLUMES 1, 2 AND 3, AMENDED OR REPEALED

Prepared and published under the supervision of the Secretary of State, in compliance
with Act No. 87, Public Acts of 1885



BY AUTHORITY

LANSDING
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1897

INDEX TO PUBLIC ACTS OF 1897.

The abbreviations used in the following pages of this index are: ch, chapter; r, repealed; s, superseded. Where lines are indented it indicates that there should be a repetition of the first words of the first full line immediately above the indented line, or that the matter of the indented line relates to the same subject, as will be readily apparent to the reader.

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* This act repeals or modifies in part chapters 44, 45 and 50, Howell's annotated statutes. It is superseded and repealed by the provisions of acts Nos. 115, 116 and 123, pages 156, 164 and 198, Public Acts, 1893.

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